

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 IN CONNECTION WITH A POSTAL BALLOT

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF CLERMONT, a legal person established in the public interest, having its head office at 2, rue Maisonneuve, Province of Québec, here represented by the mayor, Bruno Turcotte, and the secretary-treasurer and senior administrative officer, Guy-Raymond Savard, in accordance with resolution number 8130-06-05,

The MUNICIPALITY OF LA MALBAIE, a legal person established in the public interest, having its head office at 280, rue John-Nairne, Province of Québec, here represented by the mayor, Jean-Luc Simard, and the chief executive officer, Daniel Lavoie, in accordance with resolution number 147-06-05,

The MUNICIPALITY OF BAIE-SAINT-PAUL, a legal person established in the public interest, having its head office at 15, rue Forget, Province of Québec, here represented by the mayor, Jean Fortin, and the clerk, Émilien Bouchard, in accordance with resolution number 05-06-306,

The MUNICIPALITY OF NOTRE-DAME-DES-MONTS, a legal person established in the public interest, having its head office at 15, rue Principale, Province of Québec, here represented by the mayor, Jean-Claude Simard, and the secretary-treasurer and senior administrative officer, Émilie Tremblay, in accordance with resolution number 2005-06-566,

The MUNICIPALITY OF COLOMBIER, a legal person established in the public interest, having its head office at 568, rue Principale, province of Québec, here represented by the mayor, Georgette Pineault, and the chief executive officer and secretary-treasurer, Rémi Perron, in accordance with resolution number 2005-06-13-94, hereinafter referred to as

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as the MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her head office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter referred to as

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF CLERMONT, pursuant to resolution number 8118-05-05, adopted at the meeting held on 9 May 2005; the council of the MUNICIPALITY OF LA MALBAIE, pursuant to resolution number 146-06-05, adopted at the meeting held on 13 June 2005; the council of the MUNICIPALITY OF BAIE-SAINT-PAUL, pursuant to resolution number 05-04-214, adopted at the meeting held on 26 April 2005; the council of the MUNICIPALITY OF NOTRE-DAME-DES-MONTS, pursuant to resolution number 2005-05-539, adopted at the meeting held on 3 May 2005; the council of the MUNICIPALITY OF COLOMBIER, pursuant to resolution number 2005-05-09-70, adopted at the meeting held on 9 May 2005 intends to avail itself of the provisions of the Act respecting elections and referendums in municipalities in order to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER for the holding of a postal ballot for the general election to be held on 6 November of the year 2005 in the MUNICIPALITY;

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

“**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 MUNICIPALITY intends to avail itself of those provisions to hold a general election on 6 November of the year 2005 and, with the necessary adaptations, could avail itself of those provisions for the elections provided for in the agreement to be held at a later date. The adaptations must be made in an addendum to this agreement;

WHEREAS it is expedient to prescribe the procedure that will apply in the territory of the MUNICIPALITY during the said general election;

WHEREAS an agreement must be entered into by the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY has sole responsibility for selecting the new method of voting;

WHEREAS the council of the MUNICIPALITY OF CLERMONT adopted, at the meeting held on 13 June of the year 2005, resolution No. 8130-06-05 approving the text of the agreement and authorizing the mayor and the senior administrative officer and secretary-treasurer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF LA MALBAIE adopted, at the meeting held on 13 June of the year 2005, resolution No. 147-06-05 approving the text of the agreement and authorizing the mayor and the chief executive officer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF BAIE-SAINT-PAUL adopted, at the meeting held on 14 June of the year 2005, resolution No. 05-06-306 approving the text of the agreement and authorizing the mayor and the clerk to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF NOTRE-DAME-DES-MONTS adopted, at the meeting held on 23 June of the year 2005, resolution No. 2005-06-566 approving the text of the agreement and authorizing the mayor and the senior administrative officer and secretary-treasurer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF COLOMBIER adopted, at the meeting held on 13 June of the year 2005, resolution No. 2005-06-13-94 approving the text of the agreement and authorizing the mayor and the chief executive officer and secretary-treasurer to sign the agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and for the methods used to implement it;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

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

2. INTERPRETATION

Unless a contrary meaning is indicated expressly or by the context of a provision, the following expressions, terms and words have the meaning and application, for the purposes of this agreement, stated in this section.

2.1 “ENV-1 Envelope”

A non-transparent envelope of sufficient size to contain the ballot paper or papers, that does not identify the elector in any way and is marked on the reverse as follows: “Insert the ballot papers in this envelope.”.

2.2 “Envelope ENV-2”

An envelope marked with the name and address of the returning officer, in which is placed ENV-1 Envelope, a photocopy of proof of identity prescribed in section 213.5 of the Act respecting elections and referendums in municipalities, as added by section 4.27 of this agreement, and the statement by the elector or the person assisting the elector.

2.3 “Form containing the statement by the elector or the person assisting the elector”

A document marked as follows:

“The elector must sign the following statement: “I qualify as an elector and I have not voted in the current election.”.

A person assisting an elector must sign a statement to the effect that the person is the elector’s spouse or relative within the meaning of section 131 of the Act respecting elections and referendums in municipalities, or that the

person is not the elector's spouse or relative and has not already lent assistance to another elector during the election, and that the person will not reveal the name of the candidate for whom the elector has asked to vote.”.

2.4 “Instructions to the elector”

The information given to the elector concerning the manner of voting.

2.5 The words “days before polling day”, “days after polling day”, “day fixed for the poll” and “polling day” are replaced, in the provisions of the Act respecting elections and referendums in municipalities that are not amended by this agreement, by the words “days before the day fixed as the last day of the poll”, “days after the day fixed as the last day of the poll”, “day fixed as the last day of the poll” and “last day of the poll”, respectively.

3. ELECTION

3.1 A postal ballot shall be used for the purposes of the general election held on 6 November of the year 2005 in the municipality.

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. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

4.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is replaced by the following section:

“**68.** The election officers of a municipality include the returning officer, the election clerk and, as the case may be, every assistant, deputy returning officer or clerk of a ballot paper reception office, deputy returning officer or clerk of a polling station, deputy returning officer or clerk of a counting office, member of an elector identification panel, officer in charge of information and order, every member, secretary or revising officer of a board of revisors and every other person whose services are temporarily required by the returning officer.”.

4.2 Deputy returning officer and clerk of a ballot paper reception office and deputy returning officer and clerk of a counting office

The said Act is amended by inserting the following section after section 76:

“**76.1.** The returning officer shall appoint a deputy returning officer and a clerk for each ballot paper reception office.

Where there is only one ballot paper reception office, the returning officer may perform the duties of deputy returning officer and the election clerk may perform the duties of clerk of the reception office.

The returning officer shall appoint a deputy returning officer and a clerk for each counting office.”.

4.3 Duties of the deputy returning officer of a ballot paper reception office and the deputy returning officer of a counting office

The said Act is amended by inserting the following section after section 80:

“**80.1.** The deputy returning officer of a ballot paper reception office shall, in particular,

- (1) receive envelopes from electors;
- (2) verify if the elector is entered on the list of electors;
- (3) verify if the photocopy of the elector's proof of identity prescribed by section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is included and signed;
- (4) verify if the statement by the elector is signed and if the signature matches the signature appearing on the photocopy of the elector's proof of identity;
- (5) if the statement by the elector is not signed or if the photocopy of the elector's proof of identity is missing, contact the elector to obtain it or them;
- (6) if the signature of the elector on the elector's proof of identity matches the signature on the statement by the elector, place the ENV-1 Envelope containing the ballot paper or papers in the ballot box for the elector's polling subdivision.

80.2. The deputy returning officer of the counting office shall, in particular,

- (1) see to the arrangement of the counting office;
- (2) ensure that the counting is properly conducted and maintain order in the counting office;
- (3) proceed with the counting of the votes;
- (4) ensure the secrecy of the ballot;
- (5) transmit the results of the vote and all election materials to the returning officer.”.

4.4 Duties of the clerk of a ballot paper reception office and clerk of a counting office

The said Act is amended by inserting the following sections after section 81:

“**81.0.1.** The clerk of a ballot paper reception office shall, in particular,

- (1) assist the deputy returning officer of the ballot paper reception office;
- (2) mark on the list of electors the electors who have voted;
- (3) make entries in the poll book.

81.0.2. The clerk of a counting office shall, in particular, assist the deputy returning officer of the counting office.”.

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

Section 90.5 of the said Act is replaced by the following section:

“**90.5.** If, during the election period within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement entered into under 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.”.

4.6 Representatives of candidates

Sections 92 and 93 of the said Act are replaced by the following sections:

“**92.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person with a power of attorney to represent the candidates of the party or ticket before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.

93. An independent candidate may designate a person with a power of attorney to represent the candidate before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.”.

4.7 Poll runner

Section 96 of the said Act is replaced by the following section:

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an independent candidate, may designate a poll runner with a power of attorney to periodically collect, from the representative, a list of the persons who have already exercised their right to vote.”.

4.8 Power of attorney of a representative or poll runner

Section 98 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

“The power of attorney shall be presented to the deputy returning officer of the polling station, the deputy returning officer of the ballot paper reception office or the deputy returning officer of the counting office.”;

(2) by replacing the words “polling station” in the third paragraph by the words “counting office”.

4.9 Notice of election

Section 99 of the said Act is replaced by the following section:

“**99.** Not later than forty-four days before the day fixed as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

(1) every office on the council that is open for nominations;

(2) the places, days and hours for filing nomination papers;

(3) the fact that where two or more candidates are nominated for the same office, a poll will be held to elect one of them;

(4) the fact that the method of voting is a postal ballot;

(5) the day on which ballot papers will be mailed out and the date and hour by which they must be returned to the returning officer;

(6) the name of the election clerk;

(6.1) the names of the returning officer’s assistants who are authorized to receive nomination papers, where applicable;

(7) the telephone number of the office of the returning officer and, where applicable, the telephone numbers of the offices of the returning officer’s assistants;

(8) the fact that electors who have not received their ballot paper by mail not later than six days before the day fixed as the last day of the poll must contact the returning officer.

The returning officer shall transmit to the chief electoral officer a certified copy of the notice of election.”.

4.10 Notice of poll

Section 171 of the said Act is replaced by the following section:

“**171.** Not later than 11 days before the day fixed as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

(1) the designation of each office for which a poll must be held;

(2) the names of the candidates for each office;

(3) the address of each candidate;

(4) their membership in an authorized party or recognized ticket;

(5) the date and hour by which the ballot papers must be received by the deputy returning officer of the ballot paper reception office;

(6) the address of the office of the returning officer and, where applicable, of the offices of the returning officer’s assistants, the days and hours of opening of the office where electors who have not received their ballot papers by mail may obtain them;

(7) the place and hours of opening of polling stations on the last day of the poll and, if there are several polling stations, the information for determining at which station a person whose name is entered on the list of electors may vote;

(8) the day and time when the addition of votes will begin and the location where it will take place.”.

4.11 Mailing of ballot papers by the returning officer

The said Act is amended by inserting the following sections after section 172:

“**172.1.** After the revision and the notice of poll, and not later than ten days before the day fixed as the last day of the poll, the returning officer shall mail a package to all the electors entered on the list of electors. The package shall include

(1) a ballot paper for the office of mayor and one or more ballot papers for the office or offices of councillor. The ballots papers for the office of mayor and for the office of councillor may be of different colours. The ballot papers shall bear the initials of the returning officer. A facsimile of the initials may be engraved, lithographed or printed if the returning officer so allows;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities;

(3) the form containing the statement by the elector or the person assisting the elector;

(4) the instructions for voting prescribed in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

172.2. Not later than six days before the day fixed as the last day of the poll, the returning officer shall take the necessary steps to inform any electors who have not received the ballot paper or papers that they can obtain them from the deputy returning officer of the ballot paper reception office.

The electors concerned may then obtain a ballot paper after declaring under oath that they have not previously received the ballot paper or papers.”

4.12 Repeal – Reminders and advance poll

Sections 173 to 185 of the said Act are struck out.

4.13 Establishment of the ballot paper reception office, polling station and counting office

Section 186 of the said Act is replaced by the following sections :

“**186.** The returning officer shall establish a ballot paper reception office at the place where the envelopes containing the ballot paper or papers are received.

The returning officer shall establish, for the last day of the poll, the number of polling stations he considers necessary.

The returning officer shall establish a counting office for each polling subdivision.

186.1. The returning officer shall advise each party authorized under Chapter XIII or ticked recognized under Division III of Chapter VI and each independent candidate of the decision made pursuant to section 186.”

4.14 Free use of premises

Section 189 of the said Act is amended by inserting the words “and counting offices” after the word “stations”.

4.15 Arrangement of polling stations, ballot paper reception offices and counting offices

Section 190 of the said Act is replaced by the following section :

“**190.** The returning officer shall be responsible for the arrangement and identification of any places where the polling station or stations, the ballot paper reception office and the counting office or offices are situated.

In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

4.16 Ballot paper

Section 192 of the said Act is amended by replacing the first paragraph by the following paragraphs :

“**192.** The returning officer shall cause ballot papers to be printed in the form prescribed in the Schedule to the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Schedules I to VIII of the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums made under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities are struck out.”

4.17 Repeal – Counterfoil and stub

Section 195 of the said Act is struck out.

4.18 Reverse side of ballot paper

Section 197 of the said Act is replaced by the following section :

“**197.** The ballot papers shall contain, on the reverse, as shown in the specimen in the Schedule,

- (1) a space reserved for the initials of the returning officer, that may be printed, lithographed or engraved ;
- (2) the name of the municipality ;
- (3) the office concerned ;
- (4) the date of the poll ;
- (5) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”

4.19 Withdrawal of candidate – Withdrawal of authorization or recognition

Sections 198 et 199 of the said Act are replaced by the following sections :

“**198.** Where the withdrawal of a candidate occurs too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every elector to whom such as ballot paper is sent of the candidate's withdrawal.

If the withdrawal occurs after the ballot papers are sent, the returning officer must inform the electors of the candidate's withdrawal.

Any vote cast in favour of the candidate, before or after the withdrawal, is absolutely null.

199. Where the authorization of a party or the recognition of a ticket is withdrawn too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the reference to the party or ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If a co-candidate ceases to be such too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the indication "co-candidate" and the particulars pertaining to the candidate associated with the co-candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer must inform all electors to whom ballot papers are sent if a co-candidate withdraws or ceases to be such.

If the authorization of a party or the recognition of a ticket is withdrawn, or if a co-candidate ceases to be such after the ballot papers have been sent, the returning officer must inform the electors of the situation."

4.20 Polling materials

Section 200 of the said Act is replaced by the following section:

"**200.** The returning officer shall ensure that a sufficient number of ballot papers, envelopes, forms for the statement by the elector and by the person assisting an elector and instructions to the elector on voting are available, and a ballot box for each polling subdivision."

4.21 Ballot box

Section 201 of the said Act is replaced by the following section:

"**201.** Each ballot box must be made of durable material with an opening on the top so constructed that the envelope containing the ballot paper or papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened."

4.22 Delivery of materials to the deputy returning officer of a ballot paper reception office and the deputy returning officer of a polling station

Section 204 of the said Act is replaced by the following sections:

"**204.** Ten days before the day fixed as the last day of the poll, the returning officer shall deliver to the deputy returning officer of the ballot paper reception office:

- (1) a ballot box for each polling subdivision;
- (2) a copy of the list of electors;
- (3) a poll book.

The returning officer shall also deliver to the deputy returning officer all the materials required by the latter's duties.

204.1. Not later than one hour before the time fixed for the opening of the polling station on the last day of the poll, the returning officer shall deliver to the deputy returning officer of the polling station, in a sealed ballot box, after affixing his initials or a printed mark bearing his initials to the seals,

(1) the copy of the list of electors used in the ballot paper reception office comprising the electors who are entitled to vote at the polling station;

(2) a poll book;

(3) the required number of ballot papers and ENV-1 envelopes which, for each office in respect of which a poll is held at that station, shall not be greater than the number of electors entitled to vote at the station, plus 25;

(4) the forms and other documents necessary for the poll.

The returning officer shall also deliver to the deputy returning officer any other materials required for the poll."

4.23 Formalities prior to the opening of the ballot paper reception office

The said Act is amended by inserting the following sections after section 209:

"**209.1.** The deputy returning officer and the clerk of the ballot paper reception office must be present on the days and at the times fixed by the returning officer as the opening hours of the office.

209.2. The representatives assigned to the office where the ballot papers are received may be present on the same days and at the same times as the deputy returning officer of the ballot paper reception office.”.

POLLING PROCEEDINGS

4.24 Polling period

Section 210 of the said Act is replaced by the following section:

“**210.** The polling period shall begin ten days before the day fixed as the last day of the poll and end at 7 p.m. on the last day of the poll, subject to any extension of the polling period provided for in section 211, as amended by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Every polling station established by the returning officer on the last day of the poll shall be open from 9 a.m. to 7 p.m.”.

4.25 Delay or interruption

Section 211 of the said Act is amended by striking out the words “for the polling station affected by the delay or interruption” in the first paragraph.

4.26 Repeal – voting leave

Section 213 of the said Act is struck out.

4.27 Identification of electors who vote in a postal vote

The said Act is amended by inserting the following sections after section 213.4:

“**213.5.** An elector who votes in a postal ballot must transmit, with the ballot paper or papers, a photocopy of one of the following documents bearing the elector’s signature: a Québec health insurance card, a Québec driver’s licence or probationary licence, a Canadian passport, a Certificate of Indian Status or a Canadian Armed Forces identification card.

Where the elector’s signature does not appear on one of the documents listed in the first paragraph, the elector must transmit, with the document, other proof of the elector’s identity bearing the elector’s signature.

213.6. An elector who fails to transmit, with the ballot paper or papers, a photocopy of one of the documents listed in section 213.5, as added by section 4.27 of the

agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, or fails to sign the statement by the elector, the deputy returning officer of the ballot paper reception office must take the necessary steps to communicate with the elector and ask the elector to transmit the missing documents before 7 p.m. on the last day of the poll, failing which the elector’s ballot paper or papers will be cancelled.

213.7. No person may make a note of or otherwise collect any information contained in a document transmitted by an elector in accordance with section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.”.

4.28 Voting at a polling station

Sections 221 to 224 are replaced by the following sections:

“**221.** The deputy returning officer shall give the elector who is admitted to vote and does not have the ENV-1 Envelope and the ballot paper or papers received from the returning officer, every ballot paper to which the elector is entitled, together with an ENV-1 Envelope and a pencil.

222. The elector shall enter the polling booth and mark the ballot paper or papers received from the returning officer or deputy returning officer in the circle placed opposite the indications pertaining to the candidate for whom the elector intends to vote. For the purposes of this paragraph, a co-candidate and the candidate with whom the co-candidate is associated shall be counted as one candidate for the office of councillor.

223. After marking every ballot paper received, the elector shall insert the ballot paper or papers in the ENV-1 Envelope.

The elector shall give the envelope to the deputy returning officer who shall place it in the ballot box for the polling subdivision in which the elector is registered.”.

4.29 Postal ballot

The said Act is amended by inserting the following sections after section 228:

“**228.0.1.** An elector voting in a postal ballot shall mark the ballot paper in one of the circles using a pen, maker or pencil.

After marking the ballot paper or papers, the elector shall insert them in the envelope marked “ENV-1 Envelope”, seal the envelope and insert it in the envelope marked “Envelope ENV-2”. The elector must also place in the envelope ENV-2 a document proving the elector’s identity listed in section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, and the statement by the elector or statement by the person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, duly signed. The elector’s name and telephone number must also be printed in block letters on the statement.

228.0.2. If the elector is unable to complete the steps required to vote, they may be completed by the person assisting the elector in accordance with section 228.0.6, as added by section 4.29 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

That person must complete the statement of a person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

228.0.3. The elector may forward the ENV-2 envelope by mail, or leave it at the ballot paper reception office.

Every ballot paper received after 7 p.m. on the last day of the poll shall be cancelled.

228.0.4. Where the name or address of the elector that appears on the statement by the elector differs slightly from those entered on the list of electors, the deputy returning officer of the ballot paper reception office is required to place the envelope containing the elector’s ballot paper or papers in the ballot box for the elector’s polling subdivision. The particulars shall be entered in the poll book.

228.0.5. An elector who has not received a ballot paper may apply to the returning officer or the deputy returning officer of the ballot paper reception office to obtain it.

In this event, the deputy returning officer of the ballot paper reception office must verify on the list of electors if the elector has already voted. The deputy returning officer shall then give the elector an envelope containing the ballot paper or papers bearing the initials of the returning officer.

If the deputy returning officer of the ballot paper reception office has already received an envelope from the elector, the deputy returning officer shall not permit the elector to vote and shall not give the elector another envelope.

An elector may only benefit from the provisions of the first two paragraphs beginning six days before the day fixed as the last day of the poll.

The clerk of a ballot paper reception office shall enter the particulars in the poll book.

228.0.6. An elector who is unable to mark the ballot paper alone may receive assistance from

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

(2) another person who declares, in accordance with section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, that he or she has not already assisted another elector in the same poll.

228.0.7. The returning officer may authorize an elector whose name does not appear on the revised list of electors but has been entered or corrected by a board of revisors to take part in a postal ballot. The particulars shall be entered in the poll book.

The returning officer shall forward to the chief electoral officer a photocopy of the authorization granted to an elector domiciled in the territory of the municipality, except if the returning officer has proof that the change to the list that justified the authorization has been communicated in accordance with section 140.

228.0.8. An elector who inadvertently marks or spoils a ballot paper may ask the deputy returning officer of the ballot paper reception office for another ballot paper in return for the spoiled ballot paper. The particulars shall be entered in the poll book.

228.0.9. The deputy returning officer of the ballot paper reception office shall place the ENV-1 Envelope containing the ballot paper, without opening it, in the ballot box for the elector’s polling subdivision after verifying that the elector’s signature on the statement by the elector matches the photocopy on the proof of identity. If the signatures do not match, the deputy returning officer shall cancel the ENV-1 Envelope and place it in the envelope provided for that purpose.

228.0.10. As soon as an elector has voted, the clerk of the ballot paper reception office shall indicate that fact on the list of electors in the space reserved for that purpose.

228.0.11. After processing all the envelopes received from electors on the last day determined by the returning officer for the return of envelopes to the ballot paper reception office, the deputy returning officer of the ballot paper reception office shall give the list of electors used to the returning officer along with the materials prescribed in section 204 as amended by section 4.22 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

The clerk of a ballot paper reception office shall enter the following particulars in the poll book:

- (1) the date of the poll and the name of the municipality;
- (2) the number of electors who sent an ENV-1 Envelope;
- (3) the number of cancelled ENV-1 Envelopes for each polling subdivision.

The deputy returning officer of the ballot paper reception office shall return all polling materials to the returning officer.”

COUNTING AND ADDITION OF VOTES

4.30 Counting of votes

Section 229 of the said Act is replaced by the following section:

“**229.** After the closing of the poll, the deputy returning officer of the counting office, assisted by the clerk of the counting office, shall proceed to the counting of the votes.

The representatives assigned to the counting office may attend.

Where the counting office is situated in the same place as the polling station, the counting of votes shall begin only after the poll is closed at the polling station.”

4.31 Entries in poll book

Section 230 of the said Act is replaced by the following section:

“**230.** Before the ballot box is opened, the clerk of the counting office shall enter the following particulars in the poll book:

- (1) the date of the poll, the name of the municipality and the number of the counting office;
- (2) the names of the persons designated by the returning officer to count the votes;
- (3) the names of the representatives present during the counting of the votes.”

4.32 Compiling sheet

Section 231 of the said Act is amended by replacing the words “poll clerk” by “clerk of the counting office”.

4.33 Opening of ballot box and ENV-1 envelopes and counting of votes

Section 232 of the said Act is replaced by the following sections:

“**232.** The deputy returning officer of the counting office shall open the ballot box and remove the ENV-1 envelopes one by one, open them and place the ballot paper or papers in piles depending on the office for which the election is held.

232.1. The deputy returning officer of the counting office shall count the votes by taking the ballot papers one by one, by office. The deputy returning officer shall allow each person present to examine the ballot papers without touching them.”

4.34 Rejected ballot papers

Sections 233 and 234 of the said Act are replaced by the following sections:

“**233.** Every ballot paper marked in the way prescribed in section 228.0.1, as added by section 4.29 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is valid. However, a ballot paper must be rejected if it

- (1) has not been furnished by the returning officer;
- (2) has not been marked;
- (3) has been marked in favour of more than one candidate;

(4) has been marked in favour of a person who is not a candidate;

(5) has been marked elsewhere than in one of the circles;

(6) bears a mark by which the elector can be identified;

(7) bears fanciful or injurious entries;

(8) has been spoiled.

234. Every ballot paper that does not bear the initials of the returning officer must be rejected.”

4.35 Repeal – Failure to detach the stub of a ballot paper

Section 235 of the said Act is struck out.

4.36 Objections as to the validity of a ballot paper

Section 237 of the said Act is replaced by the following section:

“**237.** The deputy returning officer of the counting office shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer of the counting office shall be entered in the poll book.”

4.37 Statement of poll

Section 238 of the said Act is replaced by the following section:

“**238.** After examining all the ballot papers received, the deputy returning officer of the counting office shall draw up a statement of votes indicating

(1) the total number of electors who have voted, which must match the number of envelopes placed in the ballot box;

(2) the number of ballot papers given in favour of each candidate;

(3) the number of ballot papers rejected in the counting of votes.

The statement must be drawn up separately for each office for which a poll was held at the polling station.

The deputy returning officer of the counting office shall draw up a sufficient number of copies of the statement of votes to provide, in addition to the deputy returning officer’s copy, a copy for the returning officer and for each representative assigned to the counting office.”

4.38 Copy for representatives

Section 240 of the said Act is amended by replacing the words “polling station” in the first paragraph by the words “counting office”.

4.39 Separate envelopes

Sections 241 and 242 of the said Act are replaced by the following section:

“**241.** After drawing up the statement of votes, the deputy returning officer of the counting office shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

The deputy returning officer shall then seal the envelopes. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before closing the ballot boxes, the returning officer shall give the deputy returning officer of the counting office an envelope for the polling subdivision concerned containing the ballot papers cancelled upon reception by the deputy returning officer of the ballot paper reception office.

The envelope shall be placed in the ballot box without being opened.

A copy of the statement of votes shall be placed in the ballot box.”

4.40 Closing of ballot box

Section 243 of the said Act is replaced by the following section:

“**243.** The deputy returning officer of the counting office shall close and seal the ballot box. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.”

4.41 Addition of votes

Section 245 of the said Act is replaced by the following section:

“**245.** The addition of the votes shall begin, at the discretion of the returning officer:

(1) at the time fixed by the returning officer on the evening of the day on which the poll closes;

(2) at 9 a.m. on the day after the day on which the poll closes; or

(3) at the time and on the day determined by the returning officer, that day being any of the four days following the day on which the poll closes.

If the returning officer chooses to begin the addition of the votes after the day on which the poll closes, the returning officer shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.”.

4.42 Adjournment

Section 248 of the said Act is amended by inserting the words “of the counting office” after the words “deputy returning officer” in the second paragraph.

4.43 New summary counting of votes

Section 250 of the said Act is amended by replacing the words “poll clerk” in the first paragraph by the words “clerk of the counting office”.

RECOUNT OR RE-ADDITION OF VOTES

4.44 Application for recount

Section 262 of the said Act is amended by replacing the words “a poll clerk” in the first paragraph by the words “the clerk of a counting office”.

4.45 Applicable provisions

Section 269 of the said Act is amended by inserting the words “as amended by the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities” after the words “Division V”.

ELECTORAL CONDUCT

4.46 Assistance to an elector

Section 281 of the said Act is replaced by the following section:

“**281.** A person who has given assistance to another elector may not disclose for which candidate the elector has voted.”.

4.47 Partisan publicity and partisan work

Section 283 of the said Act is replaced by the following section:

“**283.** No person may, on the premises of a ballot paper reception office or polling station, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot paper reception office or polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of a ballot paper reception office or a polling station.”.

PENAL PROVISIONS

4.48 Offences

Section 586 of the said Act is amended by adding the following paragraph:

“(13) every person who falsely claims to be the spouse or relative of an elector or a person cohabiting with an elector.”.

4.49 Alteration of imitation of initials

Section 633 of the said Act is amended by adding the words “or the returning officer” after the words “deputy returning officer” in paragraph 2.

4.50 Leave

Section 635 of the said Act is amended by striking out paragraph 1.

4.51 Retention of documents

Section 658.1 of the said Act is amended by adding the following paragraph:

“However, the photocopies of the proof of identity referred to in section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, must be destroyed once the deadline for presenting a motion to contest an election has expired, or once the decision made concerning such an application has become final.”.

5. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the testing of the new method of voting in the general election held on 6 November of the year 2005 and for any subsequent polls held before 31 December of the year 2009;

6. AMENDMENT

The parties agree that this agreement may be amended as needed to ensure the proper conduct of the general election held on 6 November of the year 2005.

All amendments must be noted in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the end of the general election held on 6 November of the year 2005, the returning officer of the municipality 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, which report shall cover the following points in particular:

— preparations for the election (selection of the new method of voting, communications plan, establishment of the polling station or stations, ballot paper reception office and counting offices, etc.);

— the conduct of the poll;

— the cost of using a postal ballot:

– costs relating to the adaptation of voting methods;

– a comparison of the actual and estimated costs for holding the poll using the new methods of voting, and the projected cost of holding the general election on 6 November of the year 2005 in a traditional manner.

— the advantages and disadvantages of using the new methods of voting;

— statistics on the postal ballot, including:

– the participation rate;

– the number of electors who voted by mail, and the number who voted at a polling station;

– the number of cancelled ENV-1 envelopes.

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) applies to the general election held on 6 November of the year 2005 in the municipality, subject to the provisions of the said Act amended or replaced by this agreement.

9. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer takes the first action in connection with an election to which the agreement applies.

AGREEMENT SIGNED IN TRIPLICATE

At Clermont, on the 29th day of June in the year 2005

THE MUNICIPALITY OF CLERMONT

By: _____
BRUNO TURCOTTE, *Mayor*

GUY-RAYMOND SAVARD,
*Secretary-Treasurer and
Senior Administrative Officer*

At La Malbaie, on the 28th day of June in the year 2005

THE MUNICIPALITY OF LA MALBAIE

By: _____
JEAN-LUC SIMARD, *Mayor*

DANIEL LAVOIE, *Chief Executive Officer*

At Baie-Saint-Paul, on the 23rd day of June in the year 2005

THE MUNICIPALITY OF BAIE-SAINT-PAUL

By: _____
JEAN FORTIN, *Mayor*

ÉMILIE BOUCHARD, *Clerk*

At Notre-Dame-des-Monts, on the 28th day of June in the year 2005

THE MUNICIPALITY OF NOTRE-DAME-DES-MONTS

By: _____
JEAN-CLAUDE SIMARD, *Mayor*

ÉMILIE TREMBLAY, *Secretary-Treasurer and Senior Administrative Officer*

At Colombier, on the 22nd day of June in the year 2005

THE MUNICIPALITY OF COLOMBIER

By: _____
GEORGETTE PINEAULT, *Mayor*

RÉMI PERRON, *Secretary-Treasurer and Chief Executive Officer*

At Québec, on the 21st day of July in the year 2005

THE CHIEF ELECTORAL OFFICER

FRANCINE BARRY

At Québec, on the 1st day of September in the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A black rectangular ballot paper with two candidates listed. The top section is a solid black bar. Below it, the name **Rolland DANSEREAU** is printed in white, followed by a white circle. Below that, the name **Claudette DENIS** is printed in white, followed by a white circle. Underneath her name, the text "Political affiliation" is printed in a smaller white font.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A white rectangular ballot paper with a black border. It contains the following text and a box:

- Initials of returning officer
- Name of municipality
- Name or number of office
- Date of poll
- Name and address of printer

A small empty rectangular box is located to the right of the "Initials of returning officer" text.