

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING THE TESTING OF NEW METHODS OF VOTING

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUÉBEC
LIBERAL PARTY, 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 REPRE-
SENTED IN THE NATIONAL ASSEMBLY

AND

MS. PAULINE MAROIS, LEADER OF THE PARTI
QUÉBÉCOIS, AN AUTHORIZED PARTY REPRE-
SENTED IN THE NATIONAL ASSEMBLY

AND

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

WHEREAS pursuant to section 310.1 of the Election Act, two officers assigned to the list of electors are appointed for every polling station by the returning officer on the recommendation of the candidates of authorized parties whose candidates came first and second during the previous election;

WHEREAS the officers assigned to the list of electors have the duty of providing information about electors who have voted;

WHEREAS since the creation of this position in 2001, difficulties have been encountered in every general election or by-election in recruiting officers assigned to the list of electors;

WHEREAS these difficulties have obliged the Chief Electoral Officer to use the special powers outlined in section 490 of the Election Act in order to stipulate that only one person can perform the duty of officer assigned to the list of electors or that if there is no officer, the poll clerk can also perform this function;

WHEREAS the Chief Electoral Officer would like to avail himself of section 489 of the Election Act in order to assess the impacts of performing the duties of officer assigned to the list of electors by a single person during the by-elections in the electoral divisions of Bourget and Pointe-aux-Trembles;

WHEREAS the recommendation of the Chief Electoral Officer has been accepted by the three leaders of authorized parties represented at the National Assembly;

WHEREAS section 489 of the Election Act states that when the recommendation of the Chief Electoral Officer is accepted by the party leaders, an agreement must be signed in this respect between the party leaders and the Chief Electoral Officer;

WHEREAS this 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

The purpose of the present agreement is to appoint only one officer assigned to the list of electors for every polling station during the by-elections in the electoral divisions of Bourget and Pointe-aux-Trembles.

3. AMENDMENTS OF THE ELECTION ACT

3.1 **Nomination and recommendation of the officer assigned to the list of electors**

Section 310.1 of the said Act is replaced by the following:

“**310.1.** In every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, recommended by the candidate of the authorized party whose candidate came third at the last election.

3.2 **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, the chief electoral officer realizes that because of an error, emergency or an exceptional circumstance, a provision of the current Act is inadequate, the chief electoral officer may adapt the provision in order to achieve its object.

However, the chief electoral officer must inform the authorized parties represented in the National Assembly beforehand of the intended decision and must use all means necessary to inform the other authorized parties, candidates and electors concerned of the decision.

Within 30 days after polling day, the chief electoral officer must send the President or the Secretary General of the National Assembly a report on the decisions under this section. The President lays the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.”

4. MATCHING MODIFICATIONS

For the purpose of applying the present agreement, a reference to “officers assigned to the list of electors” in the following provisions refers to “officer assigned to the list of electors”:

1° sections 308, 313, 315.1 and 328 of the Election Act;

2° section 4 of the Voting Regulation.

5. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer and the returning officer of each electoral division in which the present agreement will be applicable are responsible for its application, hence, for the good conduct of the testing of polling at the office of the returning officer.

6. EVALUATION REPORT

Within 90 days following the date of the by-elections referred to in the present agreement, the Chief Electoral Officer shall transmit to the leaders of the political parties represented at the National Assembly, a report covering the following points:

— election preparations related to the present agreement;

— the advantages and disadvantages encountered in applying the present agreement;

— recommended amendments to the provisions of the Election Act, if any.

7. EFFECT OF THE AGREEMENT

The present agreement takes effect on the date on which the last signature is affixed on this agreement.

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

In Québec, on March 12, 2008

JEAN CHAREST,
Leader of the Québec Liberal Party

In Québec, on March 13, 2008

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

In Québec, on March 18, 2008

PAULINE MAROIS,
Leader of the Parti québécois

In Québec, on March 19, 2008

MARCEL BLANCHET,
Chief Electoral Officer of Québec

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