

## Regulations and other acts

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  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MS. PAULINE MAROIS, LEADER OF THE PARTI  
QUÉBÉCOIS, AN AUTHORIZED PARTY  
REPRESENTED 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 frequently 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 for the purpose of the by-elections held on May 12, 2008, in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull, the Chief Electoral Officer and the political parties represented in the National Assembly signed an agreement, in accordance with section 489 of the Election Act, in order to appoint only one officer assigned to the list of electors in each polling station;

WHEREAS there has never been a problem for only one person to carry out the duties of officer assigned to the list of electors, where such a measure has been applied following a special decision of the Chief Electoral Officer or during a by-election;

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 duty of officer assigned to the list of electors by only one person during the next general elections in Québec;

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 person to act as officer assigned to the list of electors in every polling station during the next general elections in Québec.

## 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 Election Act is replaced by the following section:

“**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 Act is replaced by the following section:

“**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 every electoral division are responsible for its application.

## 6. EVALUATION REPORT

Within 90 days following the date of the general elections in Québec 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 5 November 2008

---

JEAN CHAREST,  
*Leader of the Québec Liberal Party*

In Québec, on 8 November 2008

---

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

In Baie St-Paul, on 15 November 2008

---

PAULINE MAROIS,  
*Leader of the Parti Québécois*

In Québec, on 17 November 2008

---

MARCEL BLANCHET,  
*Chief Electoral Officer of Québec*