

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING THE TESTING OF NEW POLLING FORMALITIES

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUÉBEC
LIBERAL PARTY, 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

MS. SYLVIE ROY, LEADER OF THE ACTION
DÉMOCRATIQUE DU QUÉBEC, AN
AUTHORIZED PARTY REPRESENTED IN THE
NATIONAL ASSEMBLY

AND

MR. BENOIT RENAUD, LEADER OF QUÉBEC
SOLIDAIRE, 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 to the poll runners 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, except in one case, 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 duty of officer assigned to the list of electors by the poll clerk during the by-election in the electoral division of Rivière-du-Loup and of any other by-election ordered by government writ that should be held at the same date;

WHEREAS the recommendation of the Chief Electoral Officer has been accepted by the four 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 by these 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 have the duty of officer assigned to the list of electors performed by the polling clerk for every polling station during the by-election in the electoral division of Rivière-du-Loup and of any other by-election ordered by government writ that should be held at the same date.

3. AMENDMENTS OF THE ELECTION ACT

3.1 Section 139 of the Election Act is amended by striking out the second paragraph;

3.2 Section 301.1 of the Act is amended by striking out the second paragraph;

3.3 Section 308 of the Act is amended by striking out “officers assigned to the list of electors,” in the first line.

3.4 Section 310.1 of the Act is repealed.

3.5 Section 311 of the Act is amended by replacing “, poll clerk or officer assigned to the list of electors” in the fourth and fifth lines by “or poll clerk”.

3.6 Section 313 of the Act is amended by replacing “, poll clerks and officers assigned to the list of electors” in the first paragraph by “and poll clerks”.

3.7 Section 315 of the Act is amended by adding the following subparagraph:

“(3) to inform the poll runners, in accordance with the directives of the chief electoral officer, as to the electors who have exercised their right to vote.”.

3.8 Section 315.1 of the Act is repealed.

3.9 Section 328 of the Act is amended by striking out “, the officers assigned to the list of electors” in the first paragraph.

3.10 Section 490 of the Act is amended by adding the following paragraph:

“The present section applies to an agreement made between the leaders of the authorized parties represented in the National Assembly and the chief electoral officer in accordance with section 489.”.

4. AMENDMENTS OF THE ELECTION REGULATIONS

4.1 Division IV.2 of the Regulation respecting the determination of the candidates entitled to recommend certain election officers is repealed.

4.2 Section 2 of the Regulation respecting the tariff of remuneration and expenses of election officers is amended by striking out subparagraph 14.

4.3 Section 4 of the Voting Regulation is amended by striking out “the officers assigned to the list of electors,”.

5. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer, the returning officer of the electoral division of Rivière-du-Loup and the returning officer of any other electoral division where a by-election will have been ordered at the same date as the one ordered in the electoral division of Rivière-du-Loup are responsible for the application of the present agreement.

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 FIVE COPIES,

In Québec, on 26 March 2009

JEAN CHAREST,
Leader of the Québec Liberal Party

In Québec, on 1 April 2009

PAULINE MAROIS,
Leader of the Parti Québécois

In Québec, on 7 April 2009

SYLVIE ROY,
Leader of the Action démocratique du Québec

In Gatineau, on 11 Avril 2009

BENOIT RENAUD,
Leader of Québec solidaire

In Québec, on 14 April 2009

MARCEL BLANCHET,
Chief Electoral Officer of Québec