

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

MR. GÉRARD DELTELL, 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 312.1 of the Election Act, an identity verification panel is established where more than one polling station is located;

WHEREAS an identity verification panel is composed of three members, including a chairman appointed by the returning officer and two other members appointed on the recommendation of the candidates of authorized parties whose candidates came first and second during the previous election;

WHEREAS the function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337 of the Election Act;

WHEREAS, since the introduction of the requirement that electors must use one of the prescribed documents to identify themselves for the purpose of exercising their right to vote, very few electors appear before the identity verification panel to have their identity verified;

WHEREAS, further to an agreement entered into the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the duty of the member of the identity verification panel, other than that of the chairman, has been performed by the deputy returning officer and the poll clerk during the by-election of September 21, 2009, in the electoral division of Rousseau.

WHEREAS the plurality of the duties performed by the election officers did not cause difficulty and the tryout was conclusive.

WHEREAS the Chief Electoral Officer would like to avail himself of section 489 of the Election Act in order to recommend to the leaders of the authorized parties represented in the National Assembly to have the duty of the member of the identity verification panel, other than that of the chairman, performed by the deputy returning officer and the poll clerk during the by-election in the electoral division of Vachon and of any other by-election ordered by government writ by the holding of the next general election;

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 member of the identity verification panel, other than the chairman, performed by the deputy returning officer and the poll clerk during the by-election in the electoral division of Vachon and of any other by-election ordered by government writ by the holding of the next general election.

3. AMENDMENTS OF THE ELECTION ACT

3.1 Section 307 of the Election Act is amended by striking out the second paragraph;

3.2 Section 308 of the Act is amended by replacing “members” in the second line by “chairmans”;

3.3 Section 312.1 of the Act is replaced by the following section :

“312.1. An identity verification panel, composed of three members, is established by the returning officer.

The deputy returning office and the poll clerk act as panel members. The chairman is appointed by the returning officer.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.”

3.4 Section 313 of the Act is amended by replacing “members”, in the third line of the first paragraph, by “chairmans”.

3.5 Section 328 of the Act is amended by replacing “members”, in the second line of the first paragraph, by “chairman”.

3.6 Section 335.2 of the Act is amended by replacing “in the register kept by”, in subparagraph 2 of the first paragraph and in subparagraph *b* of subparagraph 3 of the first paragraph, by “before”.

3.7 Section 335.4 of the Act is repealed.

3.8 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.1 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 17.

4.3 Section 4 of the Voting Regulation is amended by striking out “, the identity verification panel members”.

5. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer, the returning officer of the electoral division of Vachon and the returning officer of any other electoral division where a by-election will have been ordered by the holding of the next general election 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 24 February 2010

JEAN CHAREST
Leader of the Québec Liberal Party

In Québec, on 9 march 2010

PAULINE MAROIS
Leader of the Parti Québécois

In Québec, on 1 March 2010

GÉRARD DELTELL

Leader of the Action démocratique du Québec

In Gatineau, on 4 March 2010

BENOIT RENAUD

Leader of Québec solidaire

In Québec, on 1 March 2010

MARCEL BLANCHET

Chief Electoral Officer of Québec

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