

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. RÉGENT SÉGUIN, LEADER OF QUÉBEC  
SOLIDAIRE, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. JACQUES DROUIN IN HIS CAPACITY AS  
THE CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS section 15 of the Act to amend the Election Act to encourage and facilitate voting (2006, c. 17) introduced sections 269 to 280 into the Election Act (R.S.Q., c. E-3.3), concerning voting by electors outside their electoral division;

WHEREAS the said sections were amended by section 35 of the Act respecting the election process (2011, c. 5);

WHEREAS the said sections 269 to 280 are currently not in force;

WHEREAS, pursuant to the provisions of section 489 of the Election Act, the Chief Electoral Officer may recommend to the leaders of the authorized parties

represented in the National Assembly the use of new polling formalities in a by-election or a general election, for all or only some of the electoral divisions;

WHEREAS the Chief Electoral Officer, in accordance with section 489 of the Election Act, has proposed to test voting by electors outside their electoral division at general elections or by-elections ordered after October 26, 2011;

WHEREAS it has been possible since December 5, 2007, for electors to vote at the office of the returning officer of the electoral division in which their domicile is located, pursuant to an agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, in accordance with section 489 of the Election Act;

WHEREAS some provisions of the said agreement must be amended to reflect the amendments introduced by section 35 of the Act respecting the election process;

WHEREAS the Chief Electoral Officer has proposed that all the formalities for voting at the office of the returning officer should be incorporated into a single agreement;

WHEREAS the recommendations of the Chief Electoral Officer have been accepted by the four leaders of the authorized parties represented in the National Assembly;

WHEREAS section 489 of the Election Act provides that, where the recommendations of the Chief Electoral Officer are accepted by the party leaders, they must be recorded in an agreement signed by the party leaders and the Chief Electoral Officer;

WHEREAS the said agreement has the effect of law.

ACCORDINGLY, THE PARTIES AGREE AS FOLLOWS:

#### 1. PREAMBLE

The preamble to this agreement forms an integral part thereof.

#### 2. PURPOSE OF THE AGREEMENT

The purpose of this agreement is to test voting by electors outside their electoral division, and in addition, to group all the formalities relating to voting at the office of the returning officer into a single agreement.

#### 3. AMENDMENTS TO THE ELECTION ACT

3.1 Section 3 of the Election Act is replaced by the following section:

“3. A candidate having filed a nomination paper in accordance with section 237 who is running in an electoral division other than that in which the candidate is domiciled may choose to be considered as domiciled in the polling subdivision in which the candidate’s main office for the purposes of the election is located. The candidate shall submit an application to this end during the revision of the list of electors in an election period.”

3.2 Section 202 of the Election Act is amended by replacing the words “An elector” by the words “A candidate”.

3.3 Section 206 of the Election Act is repealed.

3.4 Section 262 of the Election Act is replaced by the following section:

“262. Electors vote on polling day in accordance with Division III. Alternatively, they may vote, in accordance with Divisions II to II.2, in one of the following manners:

(1) At the returning officer’s main office or branch offices;

(2) by mail, in the case of electors outside Québec and of electors who are in detention;

(3) in an advance poll.

An elector who chooses to vote outside his or her electoral division at one of the returning officer’s offices may not vote in any other manner.

Electors vote for a candidate in the electoral division of their domicile.”.

3.5 Sections 263 to 280 of the Election Act, as amended by section 35 of the Act respecting the election process, are replaced by the following sections:

## “DIVISION II VOTING AT THE RETURNING OFFICER’S MAIN OFFICE OR AT ONE OF THE RETURNING OFFICER’S BRANCH OFFICES

### *§1. Voting by electors in the electoral division of their domicile*

263. Electors who wish to vote at the returning officer’s office may vote at the main office in the electoral subdivision or at the branch office established by the returning officer in the polling subdivision of their domicile, on the tenth, ninth, sixth, fifth and fourth day before polling day. On the last day, voting ends at 2:00 p.m.

264. Unless otherwise provided, sections 307, 312.1 320 to 327, 329 to 332, 334 and 335.1 to 340 apply, with the necessary modifications, to voting by electors in the electoral division of their domicile.

265. The members of the special board of revisors act as members of the identity verification panel. The chair of the special board of revisors acts as chair of the panel.

266. When the elector is admitted to vote, the person assigned to voting at the returning officer’s office gives the elector a ballot paper, after initialling it in the space reserved for that purpose and removing it from the counterfoil. After voting, the elector places the ballot paper in a ballot box provided for that purpose.

Sections 342 to 354 apply to the voting procedure, with the necessary modifications. However, the prohibition to engage in partisan publicity provided in section 352 does not apply to an office used by a candidate for election purposes that is situated near the main office or a branch officer of a returning officer.

267. At the end of each voting day at the returning officer’s office, the person assigned to voting seals the ballot box and the various envelopes used and puts the polling materials away in a safe place. When the voting resumes, the person takes out the polling materials and removes the seals.

After each day, the returning officer sends the candidates the list of the electors who have voted.

At the end of the period referred to in section 263, the person assigned to voting at the returning officer’s office follows the procedures set out in sections 301.3 and 301.4, with the necessary modifications.

268. The votes are counted in the electoral district.

### *§2. Voting by electors outside their electoral division*

269. Electors temporarily residing in an electoral division other than the electoral division of their domicile may vote at the returning officer’s main office or at one of the returning officer’s branch offices in the electoral division of their temporary place of residence.

The electors described in the first paragraph must, at the time of voting, provide a sworn written statement attesting that, to their knowledge, they will not be able to exercise their right to vote in the electoral division of their domicile on the scheduled voting days, and that they have not already voted in the current election. The statement must also contain the following information:

- (1) the elector's name and address;
- (2) the electoral division of the elector's domicile;
- (3) the number of their polling subdivision and the line number of their entry on the list of electors;
- (4) the name of the electoral division in which they will exercise their right to vote outside their electoral division.

**270.** Unless otherwise provided, sections 307, 312.1, 325 to 327, 329 to 332, 334 and 335.1 to 340 apply, with the necessary modifications, to voting by electors outside their electoral division.

**271.** (Repealed).

**272.** If the elector is not registered on the list of electors or is registered on the list of electors for a polling subdivision other than that in which the elector is domiciled, the board of revisors for the electoral division in which the elector is residing temporarily registers the elector on the list of electors for the polling subdivision in which the elector is domiciled, after removing the elector from the other list of electors, if applicable.

**273.** (Repealed).

**274.** The elector may vote on the tenth, ninth, sixth, fifth and fourth day before polling day. On the last day, voting ends at 2:00 p.m.

**275.** Electors registered to vote outside their electoral division receive a ballot paper printed according to the model provided in Schedule IV, a list of the candidates for the electoral division of their domicile and the parties the candidates represent, if applicable, and an envelope bearing the name of their electoral division.

**276.** Electors cast their vote by writing the given name and family name of the candidate of their choice on the ballot paper. They may add the name of the political party or the word "Independent", if applicable.

Sections 342, 344 to 347 and sections 349 to 354 apply, with the necessary modifications. However, the prohibition to engage in partisan publicity provided in section 352 does not apply to an office used by a candidate for election purposes that is situated near the main office or a branch office of a returning officer.

**277.** Electors place the ballot paper in the envelope provided, which cannot be used to identify them, seal the envelope and place it in the ballot box provided for that purpose.

**278.** (Repealed).

**279.** At the end of each voting day at the returning officer's office, the person assigned to voting seals the ballot box and the various envelopes used and puts the polling materials away in a safe place. When voting resumes, the person takes out the polling materials and removes the seals.

Each voting day, the returning officer sends the candidates the list of the electors who have voted outside their electoral division.

At the end of the period referred to in section 274, the person assigned to voting at the returning officer's office follows the procedures set out in sections 301.3 and 301.4, with the necessary modifications.

**280.** At the end of the period prescribed for voting by electors outside their electoral division, the returning officer sends the Chief Electoral Officer, in the manner determined by the Chief Electoral Officer, the ballot box or boxes containing the ballot papers of electors who voted outside their electoral division.

As soon as the ballot boxes are received, the Chief Electoral Officer divides the envelopes containing the ballot papers according to electoral divisions."

3.6 Section 301.8 of the Election Act is replaced by the following section:

**"301.8.** An elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility.

An elector described in the first paragraph who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors for the polling subdivision in which the residential facility is located.

An elector residing temporarily in a residential facility may vote in the facility provided a request to that effect is addressed to the returning officer within the period stipulated in the second paragraph and provided the elector is registered on the list of electors for the polling subdivision of his or her domicile. In the case of an elector who is not domiciled in the electoral division in which the residential facility is located, the provisions of sections 268 to 280 shall apply, with the necessary modifications."

3.7 Section 301.13 of the Election Act is replaced by the following section:

“**301.13.** Despite the second paragraph of section 301.8, a polling station set up in a residential facility may, while at that facility and upon request, go to the room or apartment of an elector who is unable to move about, provided the elector is registered on the list of electors for the polling subdivision in which the facility is located.”

3.8 Section 301.17 of the Election Act is replaced by the following section:

“**301.17.** An elector described in section 301.15 may vote at a mobile polling station if the elector

(1) addressed a request to that effect to the returning officer not later than the thirteenth day before polling day;

(2) is registered on the list of electors for the polling subdivision in which the facility is located; and

(3) is unable to move about.”

3.9 Section 301.18 of the Election Act is amended by adding the following paragraph at the end:

“In the case of an elector who is not domiciled in the electoral division, the provisions of sections 269 to 280 apply, with the necessary modifications.”

3.10 Section 350 of the Election Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) he was domiciled in that polling subdivision on the Tuesday of the second week before the week of polling day or, if he filed an application under section 3, that he had his main office in the polling subdivision on the date of the application.”

3.11 Section 490 of the Election Act is replaced by the following section:

“**490.** If during the election period, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act or of this agreement does not meet the demands of the resultant situation, he may adapt such provision in order to achieve its object.

However, the Chief Electoral Officer shall first inform the authorized parties represented in the National Assembly of the decision he intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of his decision.

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 he has made pursuant to this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.”

#### 4. AMENDMENTS TO THE VOTING REGULATION

The Chief Electoral Officer may adjust the forms prescribed by the Voting Regulation (c. E-3.3, r. 17) to reflect the provisions of this agreement.

#### 5. TERM OF THE AGREEMENT

This agreement may be applied to any by-election and general election ordered after October 26, 2011, until sections 263 to 280 of the Election Act come into force.

#### 6. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer and the returning officer of every electoral division in which this agreement may be applied shall be responsible for its application, and accordingly for the proper operation of trial voting at the returning officer’s office.

#### 7. EVALUATION REPORT

Within 90 days from a general election or by-election to which this agreement is applied, the Chief Electoral Officer shall submit a report to the leaders of the political parties represented in the National Assembly, addressing the following points among others:

— election preparations in connection with this agreement;

— the setting up of polling stations at the returning officer’s office;

— the formalities for voting at the returning officer’s office;

— recommendations for amendments to the provisions of the Election Act, where applicable.

#### 8. REPLACEMENT

This agreement replaces the agreement concerning voting by electors at the returning officer’s office in the electoral division in which they are domiciled, which was signed by the parties on December 5, 2007.

## 9. EFFECT OF THE AGREEMENT

This agreement takes effect on the date of the last signature thereto.

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

In Québec, on 20 October 2011

---

JEAN CHAREST,  
*Leader of the Québec Liberal Party*

In Québec, on 25 October 2011

---

PAULINE MAROIS,  
*Leader of the Parti Québécois*

In Québec, on 27 October 2011

---

GÉRARD DELTELL,  
*Leader of the Action démocratique du Québec*

In Montréal, on 2 November 2011

---

RÉGENT SÉGUIN,  
*Leader of Québec solidaire*

In Québec, on 3 November 2011

---

JACQUES DROUIN,  
*Chief Electoral Officer of Québec*

1733

## M.O., 2011

### Order number D-9.2-2011-06 of the Minister for Finance dated 31 October 2011

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

CONCERNING Regulation of the Chambre de la sécurité financière respecting compulsory professional development

WHEREAS, under paragraph 2 of section 202.1 of the Act respecting the distribution of financial products

and services (R.S.Q., c. D-9.2), the Autorité des marchés financiers shall determine, by regulation, the rules governing compulsory professional development for representatives other than financial planners;

WHEREAS the Chambre de la sécurité financière is a legal person established under the Act;

WHEREAS, under the fourth paragraph of section 312 of the Act, the Chambre de la sécurité financière shall exercise, in respect of its members, the regulatory power provided for in section 202.1;

WHEREAS, under the first and the second paragraphs of section 194 of the Act, the Autorité des marchés financiers shall publish in the information bulletin the draft regulation made by a Chamber under the fourth paragraph of section 312 and every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

WHEREAS, under the first and the third paragraphs of section 217 of the Act, a regulation made by a Chamber under the fourth paragraph of section 312 must be submitted to the Minister for approval with or without amendment, a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft and the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS Order in Council no. 930-2011 of September 14, 2011 concerning the Minister for Finance provides that the Minister for Finance is, under the supervision of the Minister of Finance, responsible for the application of the Act respecting the distribution of financial products and services;

WHEREAS the Regulation of the Chambre de la sécurité financière respecting compulsory professional development has been approved by Order in Council no. 1010-2006 dated November 8, 2006;

WHEREAS there is cause to replace this regulation;

WHEREAS the draft Regulation to amend Regulation of the Chambre de la sécurité financière respecting compulsory professional development was published in the *Bulletin de l'Autorité des marchés financiers*, volume 7, no. 24 of June 18, 2010;