

Gouvernement du Québec

Agreement

An Act respecting elections and referendums
in municipalities
(chapter E-2.2)

AGREEMENT CONCERNING THE TESTING OF A NEW METHOD OF VOTING FOR VOTING AT THE RETURNING OFFICER'S OFFICE

Agreement entered into

BETWEEN

The MUNICIPALITY OF MONTMAGNY, a legal person established in the public interest having its head office at 143, Saint-Jean-Baptiste E St, Montmagny, Province of Québec, here represented by the mayor, Mr Jean-Guy Desrosiers, and the clerk, Mr Félix Michaud, both authorized to sign this agreement under resolution n° 2013-170 passed by the council of the Municipality of Montmagny, hereinafter called

THE MUNICIPALITY

AND

Mr Jacques Drouin, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (chapter E-3.3), acting herein in that capacity and having his main office at 3460, de La Pérade St, Québec, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mr Sylvain Gaudreault, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY, having his main office at 10, Pierre-Olivier-Chauveau St, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the MUNICIPALITY has expressed a desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities (chapter E-2.2) to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of voting at the returning officer's office for the general election of November 3, 2013 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (chapter E-2.2) provide as follows:

659.2. A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer.

WHEREAS, for the purpose of allowing voting at the returning officer's office, it is expedient to provide for the procedure that will apply in the territory of the MUNICIPALITY during the general election of November 3, 2013;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the returning officer of the MUNICIPALITY shall be responsible for the application of this agreement and the measures required to carry it out;

WHEREAS this agreement has the effect 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 this agreement is to test voting at the returning officer's office during the general election of November 3, 2013.

3. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (chapter E-2.2) shall apply to the general election of November 3, 2013 in the MUNICIPALITY subject to the following provisions of that Act amended by this agreement:

1° The Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting the following after section 79:

“79.1. Sections 77 to 79 do not apply to the appointment of the deputy returning officer and poll clerk for the returning officer’s polling station.”

2° Section 81.2 of that Act is amended by adding “or for voting at the returning officer’s office” at the end of the first paragraph.

3° Section 90.5 of that Act is amended by inserting “or in an agreement entered into under section 659.2” in the first paragraph, after “90.1”.

4° Section 174 of that Act is amended by adding the following sentences at the end of the second paragraph: “An elector may vote at the returning officer’s office, or at the office of the assistant designated by the returning officer for that purpose, on the ninth, sixth, fifth and fourth days before polling day. However, the returning officer may not decide that any such office will be open on the sixth day before polling day if the returning officer has decided that the advance poll will be held that day.”

5° Section 177.1 of that Act is amended by adding the following sentence at the end: “The same applies for voting at the returning officer’s office.”

6° Section 179 of that Act is amended by adding the following sentence at the end of the first paragraph: “The polling station at the returning officer’s office must be open from 9:00 a.m. to 9:00 p.m. except on the fourth day, when it must close at 2:00 p.m.”

7° Section 283 of that Act is amended by adding the following after the third paragraph:

“The first three paragraphs do not apply to an office used by a candidate for election purposes that is situated near the returning officer’s office.”

4. DURATION AND APPLICATION OF THE AGREEMENT

The returning officer of the MUNICIPALITY shall be responsible for the application of this agreement and, accordingly, for the proper conduct of the testing of the new method of voting for the general election of November 3, 2013.

5. ASSESSMENT REPORT

Within 90 days following the general election of November 3, 2013, the returning officer of the MUNICIPALITY identified in the agreement shall, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (chapter E-2.2), send the CHIEF ELECTORAL OFFICER and the MINISTER an assessment report setting out helpful points for improving the testing of a new method of voting, including, for example:

- election preparations related to this agreement;
- the conduct of voting at the returning officer’s office;
- the advantages and disadvantages of using this new method of voting;
- recommended amendments to the provisions of the Act respecting elections and referendums in municipalities, if any.

6. EFFECT OF THE AGREEMENT

This agreement takes effect on the date on which the last signature is affixed hereto.

AGREEMENT SIGNED IN THREE COPIES:

At Montmagny, this 12 day of the month of August 2013

THE MUNICIPALITY OF MONTMAGNY

By: _____
JEAN-GUY DESROSIERS, *mayor*

FÉLIX MICHAUD, *clerk*

At Québec, this 18 day of the month of July 2013

THE CHIEF ELECTORAL OFFICER

JACQUES DROUIN

At Québec, this 17 day of the month of July 2013

THE MINISTER OF MUNICIPAL AFFAIRS,
REGIONS AND LAND OCCUPANCY

SYLVAIN GAUDREAU