

Regulations and other Acts

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 DOMICILE OF ELECTORS UNABLE TO MOVE ABOUT

Agreement entered into

BETWEEN

The MUNICIPALITY OF BELOEIL, a legal person established in the public interest having its head office at 777, Laurier St, Beloeil, Province of Québec, here represented by the mayor, Mrs Diane Lavoie, and the clerk, Mr Alexandre Doucet-McDonald, both authorized to sign this agreement under resolution n° 2017-05-310, passed by the council of the Municipality of Beloeil, hereinafter called,

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

Mr. Martin Coiteux, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND LAND OCCUPANCY, having his main office at 10, rue Pierre-Olivier-Chauveau, in 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 (CQLR, chapter E-2.2) to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow voting at the domicile of electors who are unable to move about for the general election of November 5, 2017 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities 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 the Act it amends or replaces.

This 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 domicile of electors who are unable to move about, it is expedient to provide for the procedure that will apply in the territory of the MUNICIPALITY during the general election of November 5, 2017;

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;

THEREFORE, 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 domicile of electors who are unable to move about during the general election of November 5, 2017.

The objective of domiciliary voting is to enable electors who are unable to move about for health reasons to exercise their right to vote at their domicile. However, domiciliary voting shall not apply to electors who are lodged or domiciled in a private seniors' residence or a residential or health care facility where mobile voting is offered or to electors whose name is entered on the list of electors in a capacity other than that of domiciled persons.

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

The Act respecting elections and referendums in municipalities shall apply to the general election of November 5, 2017 in the MUNICIPALITY, subject to the following provisions of that Act amended by this agreement:

1. Section 81.2 of the Act is amended by adding "and any domiciliary polling station" at the end of the first paragraph.

2. Section 90.5 of the Act is amended by inserting "or in an agreement entered into under section 659.2" in the first paragraph after "90.1".

3. Section 134.1 of the Act is amended by inserting "domiciled in the territory of the municipality who is unable to move about for health reasons or" in the first paragraph after "person".

4. Section 174 of the Act is amended by inserting "or a domiciliary polling station" in the third paragraph after "station".

5. The Act is amended by inserting the following after section 175:

"175.1. Any elector who is unable to move about for health reasons may vote at a domiciliary polling station determined under section 177 if

(1) the elector applies therefor in writing to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors, or, if there is no revision of the list under section 277, not later than 12 days before polling day;

(2) the elector's name is entered on the list of electors as a domiciled person.

Electors who act as informal caregivers of electors having the right to vote at their domicile may vote at that domicile. They must apply therefor to the returning officer within the time prescribed in subparagraph 1 of the first paragraph, and their names must be entered on the part of the list of electors for the polling subdivision in which the domicile is located.

The returning officer shall draw up a list of the persons who have made an application under subparagraph 1 of the first paragraph and under the second paragraph and shall send a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned. Where an election for the office of warden is also held in the territory of the municipality, the returning officer of the regional county municipality shall draw up a list of the persons who have made an application under subparagraph 1 of the first paragraph and under the second paragraph and shall send a copy of the list to the returning officer of the municipality and to each candidate for the office of warden."

6. Section 177 of the Act is amended by adding "or a domiciliary polling station" at the end of the first paragraph.

7. Section 177.1 of the Act is amended by inserting "or a domiciliary polling station" after "mobile polling station".

8. Section 179 of the Act is amended by inserting "or a domiciliary polling station" in the second paragraph after "station".

9. Section 180 of the Act is amended by inserting “or a domiciliary polling station” in the first paragraph after “station”.

10. The Act is amended by inserting the following after section 180:

“**180.1.** An elector who has made the application referred to in subparagraph 1 of the first paragraph of section 175.1 must take an oath in the presence of the deputy returning officer to certify that he or she is unable to move about for health reasons.”.

11. Section 631 of the Act is amended by inserting “or a domiciliary polling station” in paragraph 3 after “station”.

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 5, 2017.

5. ASSESSMENT REPORT

Within 90 days following the general election of November 5, 2017, the returning officer of the MUNICIPALITY shall, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities, 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 instance:

- election preparation related to this agreement;
- the conduct of voting at the domicile of electors who are unable to move about;
- 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 thereto.

AGREEMENT SIGNED IN THREE COPIES:

At Beloeil, this 26 day of the month of May 2017

THE MUNICIPALITY OF BELOEIL

By: _____
DIANE LAVOIE, *mayor*

ALEXANDRE DOUCET-MCDONALD, *clerk*

At Québec, this 16 day of the month of May 2017

THE CHIEF ELECTORAL OFFICER

PIERRE REID

At Québec, this 12th day of the month of May 2017

THE MINISTER OF MUNICIPAL AFFAIRS
AND LAND OCCUPANCY

By: _____
MARC CROTEAU
Deputy Minister

103065

Gouvernement du Québec

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in municipalities
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OF A NEW METHOD OF VOTING FOR VOTING
AT THE DOMICILE OF ELECTORS UNABLE
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Agreement entered into

BETWEEN

The MUNICIPALITY OF MONTREAL, a legal person established in the public interest having its head office at 275, Notre-Dame E. St, office R.134, Montréal, Province of Québec, here represented by the clerk, Mr Yves Saindon, authorized to sign this agreement under resolution n° CM17 0327, passed by the council of the Municipality of Montréal, hereinafter called,