

Gouvernement du Québec

Agreement

An Act respecting school elections
(R.S.Q., c. E-2.3)

AGREEMENT CONCERNING A NEW VOTING MECHANISM FOR AN ELECTION BY MAIL IN CERTAIN REMOTE SECTORS

AGREEMENT CONCLUDED

BETWEEN

LA COMMISSION SCOLAIRE DE L'ÉNERGIE, a public legal person having the necessary powers to carry out the functions conferred on it by law, its administrative office situated at 2072, rue Gignac, Shawinigan, Province of Québec, represented by the President of the council of commissioners, Jean-Yves Laforest, resolution number 39 0803, here after referred to as

THE SCHOOL BOARD

AND

M^e Marcel Blanchet, in his function as Chief Electoral Officer of Quebec, nominated to this position in virtue of the Act respecting school elections (L.R.Q., c. E-3.3) in effect and having his main office at 3460, rue de La Péraie, Sainte-Foy, province of Québec, here after referred to as

THE CHIEF ELECTORAL OFFICER

WHEREAS the council of commissioners of the SCHOOL BOARD, by its resolution number 10 0703, adopted at the meeting of July 2nd 2003, wishes to invoke the provisions of the Act respecting school elections in order to conclude an agreement with the CHIEF ELECTORAL OFFICER to test a new method of voting by mail for the general elections of November 16th of the year 2003 in certain remote sectors of the School Board;

WHEREAS the articles 282.2 and 282.3 of the Act respecting school elections (L.R.Q., c. E-2.3) provide what follows:

“**282.2.** A school board may, in accordance with an agreement made with 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 a period of application.

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

282.3. After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.”;

WHEREAS the SCHOOL BOARD accepts to enter into an agreement for a new voting mechanism for an election by mail in certain remote sectors for the holding of the general election of November 16th of the year 2003 and, with the necessary addendums, would prevail for ulterior polling provided in the agreement;

WHEREAS there is cause to foresee the procedure to be applied over the territory of the SCHOOL BOARD during this general election;

WHEREAS an agreement must be concluded between the SCHOOL BOARD and the CHIEF ELECTORAL OFFICER;

WHEREAS the choice of the new voting mechanism is under the responsibility of the SCHOOL BOARD;

WHEREAS the council of commissioners of the SCHOOL BOARD adopted, during its meeting of August 19th of the year 2003, resolution number 39 0803 approving the text of the agreement and authorizing the president of the council of commissioners to sign the present agreement;

WHEREAS the Returning Officer of the SCHOOL BOARD is responsible for the application of the present agreement and its application;

THEREFORE, the parties agree to the following:

1. INTRODUCTION

The introduction of the present agreement is included in the agreement.

2. INTERPRETATION OF THE AGREEMENT

Unless otherwise stated, the following expressions, terms and words have, in the present agreement, the meaning and application that are given to them in the present article.

2.1 “Envelope ENV-1”

An opaque envelope to fit the ballot and that does not identify the elector with the note on the back of the envelope: “Insert ballot in this envelope”.

2.2 “Envelope ENV-2”

The envelope includes the name and address of the Returning Officer and serves to receive the envelop ENV-1, a photocopy of one of the documents stated in article 112.5 of the Act Respecting School Elections, as well by article 4.24 of the present agreement, and the declaration of the elector or the person assisting the elector.

2.3 “Declaration document of the elector and of the person providing assistance”

This document contains the following references:

“The elector must sign the following declaration: “I am capable of voting and I have not already voted in this election”.

“The person giving assistance must sign a declaration to this effect that he/she is the elector’s spouse or parent in the sense given by article 58.3 of the Act Respecting School Elections or that he/she is not a parent or spouse and that he/she has not already given assistance to another elector during this poll and that he/she will not reveal the candidate for whom the elector has voted in his/her presence.”.

2.4 “Instructions to the elector”

The information given to the elector when voting.

3. ELECTIONS

3.1 For the purpose of the general elections of November 16th of the year 2003 in the School Board, the vote by mail will be used in the following remote sectors:

- Obedjiwan, ri
- Clova (Obedjiwan,no)
- Rivière-Windigo,no
- Casey
- Sanmaur
- Wemotaci, ri

3.2 The School Board must take the necessary means to adequately inform the electors residing in those remote sectors targeted by article 3.1 about the testing of the new voting mechanism.

4. MODIFICATIONS TO THE ACT RESPECTING SCHOOL ELECTIONS

4.1 **Discretion on the part of the Chief Electoral Officer in case of an error, emergency or exceptional circumstance**

Article 30.8 of the Act Respecting School Elections (L.R.Q., c. E-2.3) is replaced by the following:

“**30.8.** If, during the election period within the meaning of section 206.1, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 30.4 or in the agreement concluded in virtue of the article 282.2 of the Act Respecting School Elections does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its objective.

The Chief Electoral Officer shall first inform the Minister of Education of the decision he/she intends to make.

Within 30 days following Election Day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not in session, within 30 days of resumption.”.

4.2 **Representatives of Candidates**

Articles 31 and 32 of the Act are replaced by the following:

“**31.** A ticket recognized under Division III of Chapter V may designate a person giving him/her a power of attorney to represent the candidates before the Deputy Returning Officer of the Ballot Reception Office and the Deputy Returning Officer of the Ballot Counting Office.

32. An independent candidate may designate a person giving him/her a power of attorney to represent him/her before the Deputy Returning Officer of the Ballot Reception Office and the Deputy Returning Officer of the Ballot Counting Office.”.

4.3 **Poll Runners**

Article 34 of the Act is replaced by the following:

“**34.** A recognized ticket under Division III of Chapter V, or an independent candidate may designate a

poll runner giving him/her a power of attorney to periodically collect a list of the persons having already exercised their right to vote.”.

4.4 Power of Attorney of a Representative or of a Poll Runner

Article 36 of the Act is modified by replacing the second paragraph by this one :

“The power of attorney is presented to the Deputy Returning Officer of the Ballot Reception Office or to the Deputy Returning Officer of the Ballot Counting Office.”;

Article 37 of the Act is modified by replacing the words “polling station” by the words “Ballot Counting Office”.

4.5 Election Notice

Article 38 of the Act is modified by adding, at the end of the first paragraph, the following paragraphs :

“8° the fact that the electors residing in the remote sectors :

Obedjiwan, ri, Clova (Obedjiwan,no), Rivière-Windigo, no, Casey, Sanmaur, Wemotaci, ri ;

9° the date the ballots will be sent out and the date and time by which they must be returned to the Returning Officer ;

10° the fact that electors not having received their ballots by mail at the latest on the 6th day before Election Day may contact the Returning Officer.”.

4.6 Notice of Revision to each address

Article 52 of the Act is modified by replacing the last sentence of the second paragraph by the following :

“In addition, it shall indicate the intended references in the 4th and 5th paragraph of article 85 as modified by article 4.7 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.7 Notice of Elections

Article 85 of the Act is modified by adding, at the end of the first paragraph, the following paragraphs :

“4° the date and time at which the ballots must be received by at the Deputy Returning Officer’s Ballot Reception Office ;

5° the address of the Returning Officer’s office and, if be the case, the Deputy Returning Officer’s office, the days and times the office is open for electors to obtain a ballot if he or she has not received it by mail ;

6° the address of the poll station where electors residing in remote sectors offering voting by mail can go to vote on Election Day.”.

4.8 Delivery of the Ballots by the Returning Officer

The Act is modified by the insertion, after article 86, of the following :

“**86.0.1.** The revision of the electoral list finalized and the notice of election given, the Returning Officer shall transmit by mail a package to each elector in remote sectors where voting by mail is offered, at least ten (10) days preceding Election Day. This package contains :

1° a ballot for the position of commissioner of the ward. The ballot includes the initials of the Returning Officer. The Returning Officer may allow that an exact copy of his/her initials be engraved, lithographed or printed ;

2° the envelopes intended in article 2 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections ;

3° the declaration form of the elector and of the person providing assistance ;

4° the instructions for voting intended in article 2 of the agreement concluded in virtue or article 282.2 of the Act Respecting School Elections.

86.0.2. At the latest the sixth (6th) day preceding Election Day, the Returning Officer must take necessary measures to inform electors residing in the remote sectors where voting by mail is offered that, those not having received their ballot, can obtain one at the Deputy Returning Officer’s Ballot Reception Office.

The elector may obtain a ballot after having sworn an oath that he/she has not received the ballot.”.

4.9 Repeals – Reminder Cards and Advanced Polls

Articles 86.1 to 93.2 of the Act are repealed.

4.10 Designation of the Ballot Reception Office, the Polling Office and the Counting Office

Article 93.3 of the Act is replaced by the following :

“**93.3.** The Returning Officer designates at least one office for the reception of ballots in the location where the envelopes containing the ballots are received vote.

He/She designates, for Election Day at the poll stations, as many poll stations that he/she determines necessary for the electors residing in the remote sectors where voting by mail is offered.

He/She designates one counting office for each ballot box.

93.4. The Returning Officer advises each recognized ticket in virtue of the Division III of Chapter V or each independent candidate of the decision taken in virtue of article 93.3, as modified by article 4.10 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.11 Deputy Returning Officers and Clerks of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 95, of the following :

“**95.1.** The Returning Officer nominates a Deputy Returning Officer and Clerk for each Ballot Reception Office.

The Returning Officer nominates a Deputy Returning Officer and a Clerk for each Counting Office.”.

4.12 Duties of the Deputy Returning Officers of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 96, of the following :

“**96.1.** The Deputy Returning Officer of the Ballot Reception Office has the following duties :

- 1° receive the envelopes from the electors ;
- 2° verify if the elector is inscribed on the electoral list ;
- 3° verify if the photocopy of the electors identification intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, is included and if the signature is visible ;
- 4° verify if the elector’s declaration is signed and if the signature corresponds to the one on the identification ;

5° if the declaration is not signed or the photocopy of the identification is missing, communicate with the elector to obtain them ;

6° if the elector’s signatures on the identification and on the declaration form are the same, deposit the envelope ENV-1 which contains the ballot in the urn corresponding to the electors address.

96.2. The Deputy Returning Officer of the Counting Office has the following duties :

- 1° oversee the organization of the Counting Office ;
- 2° insure the good development of the counting of the ballots and maintain good order in the office ;
- 3° proceed with the counting of the votes ;
- 4° insure the secrecy of the vote ;
- 5° transmit to the Returning Officer the results of the vote and all the electoral materials.”.

4.13 Duties of the Clerks of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 97, of the following :

“**97.0.1.** The Ballot Reception Office Clerk has the following duties :

- 1° The Ballot Reception Office Clerk has the following duties ;
- 2° indicate, on the electoral list, the electors that have voted ;
- 3° inscribe the annotations in the poll registry.

97.0.2. The Counting Office Clerk has the duty to assist the Counting Office Deputy Returning Officer in his/her duties.”.

4.14 Ballot for the Vote by Mail in Certain Remote Sectors

Article 99 of the Act is modified by replacing the first paragraph by the following :

“**99.** The Returning Officer shall have ballot papers printed in the format intended in the annex of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.15 Rescind – Stub and Talon of the Ballot

Article 100 of the Act is rescinded.

4.16 Rescind – Stub and Talon of the Ballot

Article 102 of the Act is rescinded :

“**102.** The Ballot contains on the reverse side, according to the specimen in annex :

1° a space destined to receive the initials of the Returning Officer, which may be printed, lithographed or engraved ;

2° the name of the School Board ;

3° the name and number of the ward ;

4° the date of Election Day ;

5° the name and address of the printer.

The annotation concerning the ward must correspond to the one in the declarations of candidature.”.

4.17 Withdrawal of a Candidature – Withdrawal of a Recognition

Articles 105 and 105.1 of the Act are replaced by the following :

“**105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used and before the ballots are sent out to the electors residing in the remote sectors where voting by mail is offered, the Returning Officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The Returning Officer must inform every elector to whom he/she gives such a ballot of the candidate’s withdrawal.

If a candidate withdraws after the ballots are sent out to the electors in the remote sectors where voting by mail is offered, the Returning Officer must advise those electors.

Any vote cast in favor of the candidate, before or after his/her withdrawal, is null.

105.1. Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used and before those ballots are sent out to electors residing in the remote sectors where voting by mail is offered, the Returning Officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If recognition of a ticket is withdrawn after the ballots are sent out, the Returning Officer must inform the electors residing in the remote sectors where voting by mail is offered.”.

4.18 Materials Necessary for the Election

Article 105.2 of the Act is replaced by the following :

“**105.2.** The Returning Officer must make sure to have available in sufficient quantities, the ballots, the envelopes, the declaration forms for the electors and persons giving assistance, the instructions to the elector for the vote and at least one ballot box for each ward.”.

4.19 Ballot Box

Article 105.3 of the Act is replaced by the following :

“**105.3.** The ballot box must be made of durable material. There must be a slit or narrow opening on the top so constructed that the envelopes containing the ballots may be introduced therein through the opening, but cannot be withdrawn there from unless the box is opened.”.

4.20 Release of Supplies to the Ballot Reception Office Clerk and to the Poll Clerk

Article 106 of the Act is replaced by the following :

“**106.** The tenth (10th) day prior to Election Day at the polling stations, the Returning Officer releases to the Ballot Reception Office Clerk :

1° at least one ballot box for each ward ;

2° a copy of the electoral list ;

3° a poll registry.

He/She releases any supplies necessary for his/her duties.”.

4.21 Formalities Prior to Opening the Ballot Reception Office

The Act is modified by inserting, after article 110, the following:

“**110.1.** The Deputy Returning Officer and Clerk of the Ballot Reception Office must be present on the dates and times determined by the Returning Officer to open the office.

110.2. The representatives assigned to the Ballot Reception Office may be present at the same time as the Deputy Returning Officer and Clerk.”.

DEVELOPPEMENT OF THE VOTE

4.22 Voting Period

Article 111 of the Act is replaced by the following:

“**111.** The voting period, for electors residing in remote sectors where voting by mail is offered, will start the tenth (10th) day preceding Election Day at the polling stations and end at 7 p.m. the second (2nd) day preceding Election Day at the poll station”.

4.23 Rescind – Leave to go Vote

Article 112 of the Act is rescinded.

4.24 Identification of the Elector Voting by Mail

The Act is modified by inserting, after article 112.4, the following:

“**112.5.** The elector voting by mail must include with his/her ballot, a photocopy of one of the following documents with the signature appearing clearly: the medical insurance card given by the Régie de l'assurance maladie du Québec, the driver's license or temporary license issued, in the plastic format, by the Société de l'assurance automobile du Québec, or the Canadian passport.

The elector whose documents listed above do not reproduce clearly his/her signature must join to this document another where the signature appears clearly.

112.6. If the elector did not include, with his/her ballot, the proper documents intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, or has omitted to sign the electors declaration form, the Deputy Returning Officer of the Ballot Reception Office must take the necessary measures to contact the elector and ask to send the missing documents before 7 p.m. the

second (2nd) day preceding Election Day at the poll stations, or else the ballot will be void.

112.7. No one may use, by any means, information contained in the document sent by the elector in accordance with article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.25 Voting by Mail in Certain Remote Sectors

The Act is modified by inserting, after article 129, the following:

“**129.1.** The elector voting by mail makes a mark in one of the circles using a pen or pencil.

The elector, after having marked the ballot, inserts it into the envelope identified as “ENVELOPE ENV-1”, seals it and inserts it into the envelope identified “ENVELOPE ENV-2” with one of the identification documents intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections and the electors declaration form or the declaration form of the person giving assistance intended in article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, that are signed. He/She must also write his/her name in printed letters along with his/her telephone number on the declaration form.

129.2. If the elector is incapable of completing the steps to vote, he/she is given assistance by someone in accordance with article 129.6, as added by article 4.25 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

This person must complete the declaration form of the person giving assistance intended in article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

129.3. The elector can send the envelope ENV-2 by mail. He/She can also deposit it at the Ballot Reception Office.

Any ballot received after 7 p.m. on the second (2nd) day preceding Election Day at the poll stations will be void.

129.4. When the elector's name or address mentioned on the elector's declaration form is slightly different than what appears on the electoral list, the Deputy Returning Officer of the Ballot Reception Office must deposit the envelope containing the ballot in the ballot box corresponding to the elector's address.

129.5. The elector that has not received a ballot may request one from the Returning Officer or from the Ballot Reception Office Deputy Returning Officer.

In that case, the Deputy Returning Officer of the Ballot Reception Office must verify, on the electoral list, if the elector has already voted. If he/she has not voted, the Deputy Returning Officer gives the elector an envelope containing the ballot with the initials of the Returning Officer.

If the Deputy Returning Officer of the Ballot Reception Office has already received an envelope from the elector, he/she does not permit this elector to vote again and so does not give out another envelope.

The elector may have the first two (2) paragraphs prevail as of the sixth (6th) day preceding Election Day at the polling station.

129.6. The elector may have the first two (2) paragraphs prevail as of the sixth (6th) day preceding Election Day at the polling station:

1° either by the person that is his/her spouse or parent in the sense of article 58.3;

2° either by another person who declares, in accordance with article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, that he/she has not assisted any other elector during the voting period.

129.7. The Returning Officer of the Election's Secretary may authorize an elector to vote by mail if his/her name appears on the electoral list of the Returning Officer, even if the name does not appear on the list used at the Ballot Reception Office. A note is made in the vote registry.

129.8. The elector who inadvertently marks incorrectly or damages the ballot may request another from the Ballot Reception Office Deputy Returning Officer. A note must be made in the vote registry.

129.9. The Ballot Reception Office Deputy Returning Officer deposits, without opening, envelope ENV-1 containing the ballot in the ballot box corresponding to the elector's address after having verified that the signatures on the declaration form and on the photocopy of the identification are the same. If they do not match, he/she must cancel envelope ENV-1 and deposit it in another envelope provided specifically for that purpose.

129.10. When an elector has voted, the Ballot Reception Office Clerk indicates this in the reserved area on the electoral list.

129.11. After the handling of the envelopes received at the Ballot Reception Office within the deadline established by the Returning Officer, the Ballot Reception Office Deputy Returning Officer returns the used electoral list to the Returning Officer with the supplies provided by article 106, as modified by article 4.20 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

The Ballot Reception Office Clerk enters the following notes in the vote registry:

1° the date of Election Day at the polling stations and the name of the School Board;

2° the number of electors that sent in envelope ENV-1;

3° the number of cancelled ENV-1 envelopes per ballot box.

The Ballot Reception Office Deputy Returning Officer returns all the election material to the Returning Officer.”.

THE COUNT AND CENSUS OF THE VOTES AND LEGAL RECOUNT

4.26 Counting

Article 130 of the Act is replaced by the following:

“**130.** After the closing of the poll, the Counting Office Deputy Returning Officer proceeds with the counting of the votes with the help of the Counting Office Clerk.

The representatives assigned to the Counting Office may be present.”.

4.27 Notes in the Counting Registry

Article 131 of the Act is replaced by the following:

“**131.** Before opening the ballot box and before counting the votes, the Counting Office Clerk notes the following in the counting registry:

1° the date of the vote, the name of the School Board and the Counting Office number;

2° the names of the people designated by the Returning officer to proceed with the count;

3° the names of the representatives present during the count.”.

4.28 **Opening of the Ballot Box, of the ENV-1 Envelopes and the Counting of the Votes**

Article 132 of the Act is replaced by the following :

“**132.** The Counting Office Deputy Returning Officer opens the ballot box and takes one by one the ENV-1 envelopes, opens them and places the ballot before him/her.

132.1. The Counting Office Deputy Returning Officer proceeds with the count by taking the ballots one by one and lets each person examine it without touching it.”.

4.29 **Rejected Ballots**

Articles 133 and 134 of the Act are replaced by the following :

“**133.** All ballots marked as described in article 129.1, as added by article 4.25 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, is valid. However, any ballot must be rejected if it :

- 1° was not provided by the Returning Officer ;
- 2° has not been marked ;
- 3° has been marked in favor of more than one candidate ;
- 4° has been marked in favor of someone that is not a candidate ;
- 5° has been marked elsewhere than in the circles ;
- 6° has a mark enabling the identification of the elector ;
- 7° has unnecessary or insulting inscriptions ;
- 8° is damaged.

134. Any ballot without the initials of the Returning Officer must be rejected.”.

4.30 **Repeal – Omission of the Removal of the Ballot Stub**

Article 135 of the Act is modified by repealing the first paragraph.

4.31 **Contesting the Validity of a Ballot**

Article 136 of the Act is replaced by the following :

“**136.** The Counting Office Deputy Returning Officer shall consider every objection raised in relation to the validity of a ballot and decide it immediately.

The objection and the decision of the Counting Office Deputy Returning Officer shall be entered in the counting registry.”.

4.32 **Statement of Votes**

Article 137 of the Act is replaced by the following :

“**137.** After having examined all the ballots received, the Counting office Deputy Returning Officer draws up a statement of votes in which he/she indicates :

- 1° the total number of electors having voted, that must correspond to the number of envelopes deposited in the ballot box ;
- 2° the number of ballots in favor of each candidate ;
- 3° the number of ballots rejected during the count.

The Counting Office Deputy Returning Officer should print enough copies for him/herself, the Returning Officer and each candidate or representative assigned to the Counting Office.

He/She gives a copy to the candidate or his/her representative.”.

4.33 **Distinct Envelopes**

Article 138 of the Act is replaced by the following :

“**138.** After having drawn up the statement of votes, the Counting Office Deputy Returning Officer places in separate, distinct envelopes, the votes attributed to each candidate, the ballots rejected during the count, and the statement of votes. He/She seals these envelopes. The Deputy Returning Officer, Clerk and representatives wishing to, appose their initials on the sealed envelopes.

The envelopes and the count registry are deposited in the ballot box. Before the ballot boxes are closed, the Returning Officer gives to each Counting Office Deputy Returning Officer an envelope corresponding to his/her ballot box containing the ballots cancelled upon reception by the Deputy Returning Officer of the Ballot Reception Office.

This envelope is deposited in the ballot box without being opened.

A copy of the count report is deposited in the ballot box.”.

4.34 Closing of the Ballot Box

Closing of the Ballot Box :

“**139.** The Counting Office Deputy Returning Officer closes and seals the ballot box. The Deputy Returning Officer and Clerk of the Counting Office and the representatives that wish to, appose their initials on the seals. The Counting Office Deputy Returning Officer gives the ballot box to the Returning Officer or the person that he/she has designated.”.

4.35 Adjournment

Article 142 of the Act is modified by the insertion, in the second (2nd) paragraph and after the word “deputy returning officer”, of the words “of the Counting Office”.

4.36 Judicial Recount – Applicable Accommodations

Article 152 of the Act is modified by the insertion, after “135”, of the words “as modified by articles 4.29 and 4.30 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

ELECTORAL CODE OF ETHICS

4.37 Giving Assistance to the Elector

Article 167 of the Act is replaced by the following :

“**167.** A person having given assistance to an elector must not reveal for whom the elector has voted.”.

4.38 Partisan Publicity and Partisan Work

Article 169 of the Act is replaced by the following :

“**169.** No person may, on the premises of a ballot reception office, use a sign to indicate his association with a recognized ticket or his support for or opposition to a ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot reception office is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors standing in line are deemed to be the premises of the ballot reception office.”.

PENAL ACCOMODATIONS

4.39 Infractions – Modification or Duplication of Initials

Article 214 of the Act is modified :

1° by adding, to paragraph 7, after the words “deputy returning officer”, the words “or of the returning officer”;

2° by adding the following paragraph :

“11° whoever falsely declares being the elector’s spouse, parent or roommate.”.

4.40 Other Modifications

The words “day preceding Election Day”, “day following Election Day”, “day chosen for Election Day” and “Election Day” are replaced, within the dispositions of the Act Respecting School Elections not modified by the present agreement, by the words “day preceding Election Day at the poll stations”, “day following Election Day at the poll stations”, “day chosen for Election Day at the poll stations” and “Election Day at the poll station.”.

5. DURATION AND APPLICATION OF THE AGREEMENT

The Returning Officer of the School Board is in charge of the application of the present agreement and, in consequence, of the good development of the trial run of the new voting mechanism for the general elections of November 16th of the year 2003 and for future votes until November 3rd of the year 2006.

6. MODIFICATIONS

The parties agree that the present agreement may be modified as needed to insure the good development of the general elections of the year 2003.

A note must be made in the evaluation report.

7. EVALUATION REPORT

Within a delay of 120 days after the holding of the general elections of November 16th of the year 2003, the returning officer of the school board transmits, in accordance with article 282.3 of the Act Respecting School Elections, an evaluation report to the Minister of Education and to the Chief Electoral officer, which details the following points :

— the election preparations (choice of the new voting mechanism, communication plan. Establishing of the ballot reception and counting offices, etc.);

— the development of the vote;

— the cost of using voting by mail:

– the cost of the adaptation of the electoral procedure;

– the cost connected to the voting of the electors residing in the remote sectors including the number of electors concerned;

— the advantages and disadvantages of using the new voting mechanism;

— the statistics relating to the vote by mail, notably:

– the participation rate of the electors;

– the number of electors having voted by mail;

– the number of cancelled ENV-1 envelopes.

8. APPLICATION OF THE ACT RESPECTING SCHOOL ELECTIONS

The Act Respecting School Election (L.R.Q., c. E-2.3) is applicable to all elections targeted by the present agreement, subject to the dispositions of this Act that the present agreement modifies or replaces.

9. EFFECT OF THE AGREEMENT

The present agreement is in effect as of the moment the returning officer makes the first arrangements in an election to which it applies.

TWO COPIES OF THE AGREEMENT SIGNED:

In Shawinigan, this 25th day of the month of August of the year 2003

The COMMISSION SCOLAIRE DE L'ÉNERGIE

JEAN-YVES LAFOREST,
President of the council of commissioners

THE RETURNING OFFICER OF
THE SCHOOL BOARD

ROBERT DE LA CHEVROTIÈRE

AND

In Québec, this 27th day of the month of August of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

SCHEDULE

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A vertical rectangular ballot paper with a black background. It is divided into three horizontal sections by thin white lines. The top section is empty. The middle section contains the name **Rolland DANSEREAU** in white, followed by a white circle. The bottom section contains the name **Claudette DENIS** in white, followed by a white circle, and the text **Recognized ticket** in a smaller white font below it.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A rectangular box representing the reverse side of the ballot paper. It contains the following text and a box:

- Initials of returning officer
- Name of school board
- Name or number of electoral division
- Date of poll
- Name and address of printer