



CHAPTER 11

An Act to amend the Quebec Election Act

[Assented to, the 28th of April, 1939]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

- 1.** Section 42 of the Quebec Election Act (1 Edward VIII (2nd Session), chapter 8) is amended by striking out the second paragraph thereof. 1 Ed. VIII (2nd), c. 8, s. 42, am.
- 2.** Section 89 of the said act is amended by striking out the last paragraph thereof. Id., s. 89, am.
- 3.** Section 131 of the said act is amended by replacing the second paragraph thereof by the following:
"Every writ shall bear the date and shall be returned within the delays which the Lieutenant-Governor in Council has determined." Id., s. 131, am. Returning, etc., of writ.
- 4.** The said act is amended by adding thereto, after section 142 thereof, the following section:
"**142a.** Whenever a returning-officer dies or becomes unable to act on the day or eve of polling, the Clerk of the Crown in Chancery must appoint another competent person to act as returning-officer." 1 Ed. VIII (2nd), c. 8, s. 142a, added. Appointing of returning-officer in certain event.
- 5.** Section 144 of the said act is amended by adding thereto the following paragraph: 1 Ed. VIII (2nd), c. 8, s. 144, am.

Forwarding,
etc., of cer-
tain notice.

"He must also, forthwith, address and forward a similar notice to the office head of the Electoral Lists' Office of Quebec, in the case of an election in one of the electoral districts comprised wholly or partly in the city of Quebec, or to the office head of the Electoral Lists' Office of Montreal, in the case of an election in one of the electoral districts comprised wholly or partly in the city of Montreal."

1 Ed. VIII
(2nd), c. 8,
s. 145, am.

6. Section 145 of the said act is amended by adding thereto, after the third paragraph thereof, the following paragraph:

Forwarding,
etc., of cer-
tain copy.

"However, when lists for Quebec or Montreal are concerned, the office head of the Electoral Lists' Office, and not the registrar, must, under the same penalties, forward a copy thereof to the returning-officer and furnish a copy thereof, without charge, to every person nominated as a candidate."

1 Ed. VIII
(2nd), c. 8,
s. 189, am.

7. Section 189 of the said act is amended:

Qualification
required.

a. By replacing the third paragraph thereof by the following:

"No person shall be appointed deputy returning-officer or poll-clerk of a polling-station unless he is entered on the electoral list to be used for the voting in the electoral district where such polling-station is situated."

b. By adding thereto, after the word: "poll-clerks", in the last line of the fifth paragraph thereof, the words: "as well as a declaration signed by the leader of the opposition attesting that this latter candidate is the official candidate of the opposition";

c. By replacing the sixth paragraph thereof by the following:

Appoint-
ments by
returning-
officer in
certain case.

"On the failure of the official candidates or of any of them to furnish the returning-officer, on the day after nomination-day, with a list of the persons suitable to act as deputy returning-officers or poll-clerks and, as regards the candidate of the opposition, the declaration of the leader of the opposition contemplated in the preceding paragraph, the returning-officer shall himself choose and appoint the deputy returning-officers or poll-clerks."

1 Ed. VIII
(2nd), c. 8,
s. 203, am.

8. Section 203 of the said act is amended by striking out the second paragraph thereof.

Id., s. 204,
replaced.

9. Section 204 of the said act is replaced by the following:

"204. Whenever a vacancy occurs in the office of deputy-returning-officer, the poll-clerk must notify the returning-officer as soon as he is aware of it."

Notifying as to certain vacancy.

10. Section 232 of the said act is amended:

1 Ed. VIII
(2nd), c. 8,
s. 232, am.

a. By striking out the third paragraph thereof;

b. By replacing the fourth and fifth paragraphs thereof by the following:

"Every person who enters a polling-station and states therein his surname and Christian names is deemed to be claiming the right to vote in such station."

Claiming right to vote.

The person presenting himself to vote shall be entitled to vote if his name is found on the copy of or the extract from the electoral list to be used for the voting in the polling-station."

Voting.

11. Section 240 of the said act is replaced by the following:

1 Ed. VIII
(2nd), c. 8, s.
240, replaced.

"240. Before giving a ballot-paper to any person entitled to vote at his polling-station, the deputy returning-officer must mark on the back of the counterfoil a number corresponding to that entered opposite the voter's name in the poll-book and then the deputy returning-officer must put the initials of his surname and Christian names upon the back of the ballot-paper, in such a way that when the ballot-paper is folded such initials shall remain visible. Such initials must be put in a rectangle on the upper side of the back of the ballot-paper and near the dotted line separating the latter from its counterfoil."

Initialing, etc., ballot-papers.

12. The said act is amended by adding thereto, after section 403 thereof, the following sections:

1 Ed. VIII
(2nd), c. 8,
s. 403a, 403b,
added.
Prohibition.

"403a. On polling day up to eleven o'clock in the evening, it is forbidden to arrest or cause to be arrested any deputy returning-officer in virtue of any act of this Province.

Every infringement of the provisions of this section shall render the offender liable to the penalties enacted by section 357, in addition to the other penalties and damages for which he may be liable under this act or under any other law.

Offence and penalty.

"403b. Any warrant to bring or warrant of arrest for any infringement of this act shall be null if it bears a date later than that on which it was issued or if it does not contain, at the time when issued, a description sufficient to establish the identity of the offender against whom it is directed.

Warrant, etc., null in certain case.

Persons
deemed to
have resigned
from office,
etc.

The following shall be deemed to have resigned from office and to have renounced all pension or other benefits:

1. Whosoever issues, signs or countersigns a post-dated warrant to bring or warrant of arrest;

2. Whosoever executes any warrant to bring or warrant of arrest which he knows to be post-dated;

3. Whosoever issues, signs or countersigns a warrant to bring or warrant of arrest which does not contain a description sufficient to identify the offender against whom it is directed;

4. Whosoever executes a warrant to bring or warrant of arrest which he knows did not contain, at the time of issue, a description sufficient to identify the offender against whom it is directed.

Penalties.

Such persons shall, furthermore, be liable to the penalties enacted by section 357, in addition to all other penalties and damages for which they may be liable under this act or any other law."

Validation of
certain
electoral lists.

13. The electoral lists examined and corrected during the year 1938 by the boards of revisors contemplated in section 74 of the Quebec Election Act (1 Edward VIII (2nd Session) chapter 8) are declared valid and in force up to the first of October, 1940.

Coming into
force of cer-
tain electoral
lists.

The coming into force contemplated by section 97 of the Quebec Election Act for the electoral lists shall take place, with respect to the lists corrected and examined in 1940 by the said boards of revisors, on the 1st of October, 1940.

Coming into
force.

14. This act shall come into force on the day of its sanction.