



CHAPTER 130

An Act to amend the charter of the city of Salaberry-de-Valleyfield

[Assented to, the 15th of March, 1933]

WHEREAS the city of Salaberry-de-Valleyfield has, by Preamble.
its petition, represented that it is in the interest of the proper administration of the city that the electors who are owners of real estate and who are called upon to vote, personally and on their real estate valuation, on by-laws or resolutions submitted to them, may do so and exercise their suffrage freely and independently, and that, in order to attain this object, the said city deems that its charter, the act 22 George V, chapter 111, should be amended so that the vote on the said by-laws or resolutions be taken under the secret voting system;

Whereas the city has also represented that, for uniformity, it is desirable that the sections of its charter respecting secret voting be also amended; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The charter of the city of Salaberry-de-Valleyfield, 22 Geo. V, c. the act 22 George V, chapter 111, is amended by adding ^{111, ss. 111a-} thereto, after section 111 thereof, the following heading ^{111a, added.} and sections:

“Secret voting on by-laws and resolutions

“111a. Sections 399, 400, 401, 402, 403, 404, 405, 406, Provisions 406a, 407, 408, 409, 410a, 410b, 410c, 410d, 410e, 410f, ^{not applic-} able to city.

410g, 410h, 410i, 410j and 410k of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), shall not apply to the city.

- Voting by secret ballot. "111b. Whenever it is prescribed by this charter that a by-law or resolution must be submitted for approval by the electors, including electors who are proprietors of real estate, whether such approval must be numerically only or both numerically and in value, the vote shall be taken by secret ballot, and the following formalities and procedure must be observed, namely:
- Procedure. by secret ballot, and the following formalities and procedure must be observed, namely:
- Opening of poll. a. The council shall fix a day for the opening of the poll. Such day shall not be later than forty days from the date of the passing of the by-law or resolution by the council.
- Public notice to vote. The clerk shall, at least fifteen days before the day fixed, give public notice calling upon the electors interested to vote and indicating the days and place where the poll will be held.
- Place of voting, etc. b. The voting shall be presided over by the mayor with the assistance of the clerk, and shall be held in the City Hall.
- President thereat. If the mayor is incapable of acting, the acting mayor shall preside at the poll, and, in the absence of the acting mayor, the voting shall be presided over by an alderman chosen by the clerk.
- Clerk *ad hoc*. If the clerk is unable to act, a clerk *ad hoc* shall be appointed.
- Duration of polling. c. The polling shall last two juridical days, from eight o'clock in the morning until five o'clock in the afternoon.
- Adjournment of voting in certain event. d. If, at the end of the second day of voting, the number of votes required either under sections 588, 589, 590 and 591 of the Cities and Towns' Act or under other provisions of the law, as the case may be, has not been recorded, the presiding officer must adjourn the voting to close it on the following day, if a request in writing is made to him by the mayor, an alderman or by three property-owners of the municipality, before six o'clock in the afternoon of the same day.
- One polling-station only. e. There shall be only one polling-station, which, as stated above, shall be in the City Hall. Such poll shall be organized and laid out as in the case of a municipal election.
- Manner of voting. "111c. The manner of voting shall be different according as an approval of the electors in number only, or an approval both in number and in value by the electors who are owners of real estate, is concerned.

“Approval by electors in number

“111d. If a by-law or resolution concerned merely an approval in number only, the following directions are to be observed: Directions for approval in number.

a. The following question shall be submitted to the vote of the municipal electors entitled to vote for approval or disapproval of the by-law or resolution submitted to them: Form of question.
“Are you of opinion that By-law (or resolution, as the case may be) No. (inserting the title or object of the by-law or resolution) should be adopted?”

b. The vote on the question submitted must be given: Vote:

1. If affirmative, by marking a cross on the ballot-paper in the space where the words: “Oui” “Yes” appear; Affirmative;

2. If negative, by marking a cross on the ballot-paper in the space where the words: “Non” “No” appear; Negative;

c. The ballot-papers used shall be in the form prescribed by this act for municipal elections. However, they must bear the following inscription in place of the names of candidates: Form of ballot-papers:

“Etes-vous d’opinion que le règlement no (insérer ici le no du règlement) concernant (insérer ici le titre ou l’objet du règlement) doit être adopté?”

Table with 2 rows and 2 columns. Row 1: Question in French, '1', 'OUI', 'YES'. Row 2: Question in English, '2', 'NON', 'NO'.

“Are you of the opinion that the by-law No. (insert here the No. of the by-law) respecting (insert here the title or object of the by-law) should be adopted?”

d. At the voting under these provisions, the presiding officer shall, if thereunto requested by two electors, appoint two agents to represent thereat those seeking an affirmative answer to the question submitted, and two other agents to represent those seeking a negative answer. Appointing of two agents.

e. The officer presiding at the voting and the clerk are obliged to make a joint report to the council of the result of the voting forthwith, after adding up the counting of Making of joint report.

the ballots, and must mention in such report whether the by-law or resolution submitted to the electors has been approved or rejected.

Proceedings for holding secret ballot: “**111e.** Except for the above-prescribed provisions, the proceedings for the holding of a secret ballot shall be, as far as possible, those followed in a municipal election for the city, and the charter shall apply:

Proceedings; Rights, etc., of officers, etc.; Penalties. 1. To the conducting of proceedings;
2. As regards the rights, obligations, responsibilities, qualification and disqualification of officers of the poll, and of the electors;
3. As regards the penalties it enacts.

Additional ballot-boxes. “**111f.** If it appear necessary, there may be more than one ballot-box to receive the votes.

“Approval by the elector-proprietors in number and in value

Formalities for approval in number and value. “**111g.** If the by-law or resolution submitted for the approval of the electors who are owners of real estate has to be approved by the majority in number and in value of such electors, the following formalities, in addition to those above described, must be followed:

Ballot-paper; Certificate for real estate proprietor; 1. *a.* A ballot-paper similar to the one mentioned in the aforesaid section 111d shall be given to the voter;

2. *b.* Before presenting himself to vote, the voter must go to the city treasurer and state his name in full, and at his request the treasurer shall hand the voter, if entered on the valuation roll, as verified, a certificate signed by him and dated on the day delivered, stating that the person therein mentioned, to wit, the applicant for the certificate, is entered on the valuation roll of the city as real estate proprietor for the amount which the treasurer enters on the said certificate;

3. *c.* Upon presenting himself to vote the elector shall hand the said certificate to the clerk who shall retain it. The clerk shall, in accordance with the certificate, before handing the voter his ballot-paper, enter on the back in figures the amount of his valuation, which he initials. The voter supplied with his ballot-paper shall proceed to vote, as usual, by marking his cross on this ballot-paper handed to him, opposite the words “*Oui* Yes” or “*Non* No”, as he happens to be for or against the by-law or resolution;

4. *d.* The voter shall fold his ballot-paper so that the clerk may verify his initials and the amount of the valuation, before it is deposited in the ballot-box;

Ballot-papers to be folded;

e. When counting the ballots, the number of ballot-papers shall represent the numerical vote, and the amount entered upon these ballot-papers by the clerk shall represent the vote as to value; How ballots to be counted;

f. The poll-book must mention, in addition to the name of the voter and the usual details, the amount of his valuation, as it appears in the treasurer's certificate. Entries in poll-book.

111h. In all the cases above provided for, both as to the numerical vote only and as to the vote both in number and in value, the clerk shall have charge of the poll-book and the initialing of the ballot-papers without in any way restricting his other duties. Duties of clerk.

111i. The presiding officer as well as the clerk of the polling-station and the representatives must take the oath to fulfil their duties and keep secret the votes. Such oath may be taken before the presiding officer or the clerk. Who must take the oath.

111j. After the close of the poll, the presiding officer and the clerk, in the presence of the agents, if there be any appointed, shall proceed to the counting of the ballots and make a statement thereof, both in number and in value, in counting and separating the "Yeas" and the "Nays". Counting of ballots. Statement.

Such statement shall also indicate the number of the treasurer's certificates handed in at the poll as well as the total amount which they represent as to value, and also the total amount of the valuation entered in the poll-book, in addition to the usual details. Contents thereof.

Such statement shall be certified by the presiding officer and the clerk and must state, under their signature, if the by-law or the resolution, as the case may be, has been approved or disapproved, in stating the necessary information. Certifying thereof.

Such statement shall be laid before the council at its first following sitting. Laying before council.

111k. A duplicate of such statement shall likewise be placed in the ballot-box which shall contain all the other documents, such as poll-books, used and unused ballot-papers, treasurer's certificates,—each class of documents or ballot-papers to be under separate cover—, and, as far as possible, the proceedings generally shall be according to the formalities required for municipal elections. Documents, etc., to be placed in ballot-box.

111l. The presiding officer of the poll may have two compartments prepared in the poll in place of one, in order to allow two voters to vote separately, at the same time, if required to expedite voting. Separate compartments for voters.

Casting-
vote in case
of tie.

“111m. In the event of a tie in the vote, either in number or in number and value, the mayor, whether he presided at the voting or not, shall give a casting-vote.

When by-
law, etc.,
shall have
effect.

“111n. Except where otherwise provided for, every by-law or resolution, which has to be submitted to the elector-proprietors, must, in order to have effect, be approved by at least the majority in number and in real value of the elector-proprietors who have voted.

Clerk's
assistant.

“111o. The clerk may have the assistance of a secretary both in the polling-station and outside.”

Coming into
force.

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