



## CHAPTER 38

An Act to amend the Cities and Towns' Act respecting the approval, by secret ballot, of certain by-laws by the electors

[Assented to, the 22nd of March, 1928]

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

**1.** Section 399 of the Cities and Towns' Act (Revised R. S., c. 102, Statutes, 1925, chapter 102) is replaced by the following: s. 399, replaced.

**"399.** When a by-law of the council has to be approved by the majority, in number and value, of the electors who are owners of immoveable property the proceedings at the voting shall be those hereinafter prescribed. Procedure for approval of by-law.

In all other cases where a by-law requires the approval of the electors, the voting shall be held under the provisions of sections 410a to 410k." Idem.

**2.** The said act is amended by adding thereto, after section 410 thereof, the following subdivision and sections: R. S., c. 102, ss. 410a to 410k, added.

**"111a.—Approval of certain by-laws by secret ballot.**

**"410a.** Notwithstanding any general or special law to the contrary, any by-law or resolution which under the law has to be approved by the electors, save the exception provided in the first paragraph of section 399, must be approved according to the mode and proceedings hereinafter prescribed. Mode and proceedings for approval of by-law or resolution.

**"410b.** The voting for the approval or disapproval of any such by-law or resolution shall be by secret ballot and the proceedings hereinafter prescribed as well as those set forth in sections 400, 401, 402, 403, 404, 406, 409 and 410 shall be followed. Voting by secret ballot. Provisions applicable.

**"410c.** The clerk of the municipality shall act as returning-officer at the voting by secret ballot for the approval of a by-law by the electors. Returning-officer.

If the clerk refuses or is unable to act as returning-officer, the mayor shall, by commission under his signature, appoint as returning-officer a person whom he deems competent. Idem.

Appoint-  
ment of poll  
clerk.

“410d. The clerk of the municipality or the person appointed by the mayor to replace him as returning-officer, under the provisions of the preceding section, shall, before the voting, by a commission under his signature, appoint a poll clerk and may, at any time during the voting, appoint in the same manner another clerk if the one whom he first appointed resigns, refuses or is incapable of discharging the duties assigned to him.

Provisions  
applicable.

“410e. The provisions of sections 176 and 177 shall apply at a voting by secret ballot under this subdivision.

Question  
submitted.

“410f. The following question shall be submitted to the vote of the municipal electors who are entitled to vote to approve or disapprove the by-law submitted to them:

“Are you of the opinion that 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?”

Marking of  
ballot:

“410g. The vote on the question submitted shall be given:

Affirmative.

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

Negative.

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

Form of  
ballot-  
papers.

“410h. The ballot-papers to be used under this subdivision shall be in the form prescribed by the law governing the municipality with respect to municipal elections; however, in lieu of the names of candidates, they shall read as follows:

“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 ?

“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 ?

1	OUI  YES
2	NON  NO

“**410i.** In the event of a vote under this subdivision, the presiding officer or returning-officer shall, if requested, appoint two agents for each poll, to represent therein those who wish to obtain an affirmative answer to the question submitted, and two agents for each poll to represent those who wish to obtain a negative answer. <sup>Appoint-  
ment of  
agents.</sup>

Every appointment of an agent shall be in writing, stating the names, surname, occupation and residence of the agent and the poll in which he is to act, and shall be signed by the presiding officer or by the returning-officer. <sup>Idem.</sup>

“**410j.** The presiding officer or the returning-officer shall make a report to the municipal council of the result of the voting as soon as he has added up the returns of the balloting. <sup>Report.</sup>

“**410k.** Saving the provisions of this subdivision, the proceedings for the holding of a secret ballot shall, as far as possible, be those followed in the case of a municipal general election and the law governing each municipality shall apply. <sup>Proceedings.</sup>

1. With respect to the conduct of the proceedings;
2. With respect to the rights, obligations, responsibilities, capacity to vote or not of election officers and electors;
3. With respect to the penalties it imposes.”

**2.** This act shall come into force on the day of its sanction. <sup>Coming into  
force.</sup>