

C A P . X V .

An act to amend the Quebec Election Act.

[Assented to 31st October, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In case it is made to appear within four days after that on which the Returning Officer has made the final addition of the votes, for the purpose of declaring the candidate (or candidates) elected, on the affidavit of any credible witness, to a Judge of the Superior Court ordinarily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, that such witness believes that any Deputy Returning Officer at any election in such electoral district, in counting the votes, has improperly counted or rejected any ballot papers at such election, or that the Returning Officer has improperly summed up the votes ; and in case the applicant deposits within the said time, with the Clerk of the Court, the sum of one hundred dollars, as a security for the costs of the candidate, in respect of the re-count, appearing by the addition to be elected, the said Judge shall appoint a time, within four days after the receipt of the said affidavit by him, to re-count the votes, or to make the final addition, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same, or to make such final addition, as the case may be, and shall summon and command the Returning Officer and his election clerk, to attend then and there with the parcels containing the ballots used at the election,—which command the Returning Officer and his election clerk shall obey.

Recount of votes, allowed in certain cases.

Date of recount, fixed by the judge.

Duty of returning officer in such case.

2. The said Judge, the Returning Officer and his election clerk, and each candidate, or his agent authorized to attend such re-count of votes, or, in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors shall be present at such re-count of the votes.

Persons present at recount.

3. At the time and place fixed, the said Judge shall proceed to re-count all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing : 1o. the used

Formalities required for recount.

ballot papers which have been counted ; 2o. the rejected ballot papers ; 3o. the spoiled ballot papers and no other papers, commencing and proceeding in alphabetical or numerical order of the polls.

Day and hour
on which
recount shall
take place.

4. The judge shall, as far as practicable, proceed continuously, except on Sundays and non-juridical days, with such recount of the votes, allowing only, time for refreshment, and excluding (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time (and recess for refreshments, the said judge shall place the ballot papers and other documents relating to the election, in a sealed envelope under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take necessary precautions for the security of such papers and documents.

Rules for
recount of
votes.

5. The judge shall proceed to recount the votes, according to the rules set forth in section one hundred and eighty-nine of the Quebec Election Act, as hereby amended, and shall verify or correct the count of the ballot papers, and statement of the number of votes given for each candidate, by deciding the objections without delay, and as fast as they are made; and upon the completion of such recount, or as soon as he has thus ascertained the true result of the poll, he shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Returning Officer, who shall then declare to be elected, the candidate having the highest number of votes, and in case of an equality of votes, the Returning Officer shall give the casting vote, in like manner as provided in section two hundred and fifty of the Quebec Election Act.

Return to
Clerk of
Crown in
Chancery,
delayed if
there be a
recount.

6. The Returning Officer, after the receipt of a notice from the judge, of such recount of ballots, shall delay making his return to the clerk of the crown in chancery, until he receives a certificate from the judge of the result of such recount, and upon receipt of such certificate, the Returning Officer shall proceed to make his return in the form of Schedule Y of the said act.

Costs of
recount.

7. In case the recount or addition does not so alter the result of the poll as to affect the return, the Judge shall order the costs of the candidate appearing to be elected, to be paid by the applicant ; and the said deposit shall be paid over to the said candidate, on account thereof, so far as necessary, and the judge shall tax the costs on giving his decision ; and if the deposit is insufficient, the party in whose favor costs are allowed, shall have his right of action for the balance.