

1985, chapter 46
**AN ACT TO AMEND THE CHARTER OF
THE CITY OF QUÉBEC**

Bill 199

Introduced by Mr Raymond Gravel, Member for Limoilou

Introduced 20 December 1984

Passage in principle 26 March 1985

Passage 4 April 1985

Assented to 1 May 1985

Coming into force: 1 May 1985

Acts amended:

Charter of the City of Québec (1929, chapter 95)

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)



CHAPTER 46

An Act to amend the Charter of the City of Québec

[Assented to 1 May 1985]

Preamble WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1929, c. 95,
s. 1, am.

1. Section 1 of the Charter of the City of Québec (1929, chapter 95), amended by section 10 of chapter 102 of the statutes of 1939, by section 3 of chapter 72 of the statutes of 1949, by section 1 of chapter 68 of the statutes of 1970 and by section 447 of chapter 72 of the statutes of 1979, is amended

(1) by replacing subparagraphs *b*, *c* and *n* by the following subparagraphs:

"city",
"corpo-
ration"

"(b) The words "city" and "corporation" mean the city of Québec;

"mayor",
"alder-
man",
"councillor"

"(c) The word "mayor" means the mayor or the pro-mayor of the city and the words "alderman" or "councillor", the councillors of the city;

"list",
"electoral
list",
"voter's
list"

"(n) The words "list", "electoral list" and "voter's list" mean the list of electors prepared in accordance with this charter;"

(2) by adding, after subparagraph *p*, the following subparagraphs:

"electoral
district",
"ward"

"(q) The words "electoral district" and "ward" mean an electoral district defined under Chapter II of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);

"surname
and given
names"

"(r) The words "surname and given names", for a married woman or a widow, mean, as she may choose, her surname and given names, her given names joined to the surname of her husband or her surname and given names joined to the surname of the husband."

1929, c. 95,
Section IV,
repealed

2. Section IV of the said charter is repealed.

1929, c. 95,
s. 14,
replaced

3. Section 14 of the said charter, replaced by section 4 of chapter 81 of the statutes of 1965 (1st session) and amended by section 3 of chapter 68 of the statutes of 1970, by section 3 of chapter 54 of the statutes of 1976 and by section 2 of chapter 42 of the statutes of 1980, is replaced by the following section:

Representa-
tion and ad-
ministration

"14. The city is represented and its affairs administered:

(a) by a council consisting of the mayor and a councillor for each electoral district who shall perform their duties until their successor comes into office;

(b) by an executive committee consisting of the mayor as chairman and five councillors, including the pro-mayor *ex officio*;

(c) by a director general appointed under section 173a.

"adminis-
trative com-
mittee"

The words "administrative committee", wherever they occur in this charter, mean "executive committee".

1929, c. 95,
s. 18, am.

4. Section 18 of the said charter, replaced by section 5 of chapter 42 of the statutes of 1980 and amended by order in council 1573-81 made on 10 June 1981 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), is amended by adding the following paragraphs:

Penalty

"If the mayor or a councillor sits or votes at a sitting of the council or of a committee of the council without having the qualifications required by this charter, he is liable to a fine of one hundred to five hundred dollars, in addition to costs, for each sitting which he attends, and to the same penalty for each vote given by him at such a sitting.

Validity of
votes and
acts

No vote given by a person unlawfully holding the office of mayor or councillor and no act in which the person has taken part in that capacity may be invalidated by reason only of the unlawful exercise of the duties of such office."

1929, c. 95,
s. 20,
replaced

5. Section 20 of the said charter, replaced by section 8 of chapter 81 of the statutes of 1965 (1st session), is replaced by the following sections:

Vacancy

“20. When the office of mayor or councillor becomes vacant more than twelve months before the election prescribed in section 64*b*, the returning officer shall begin election proceedings to fill the office by publishing, within eight days after the vacancy has occurred, the notice provided for in Schedule J.

Election

The election is conducted in every respect as a fixed-date election, *mutatis mutandis*. However, if the election is held within twelve months following a general election contemplated in section 64*b*, the returning officer shall deposit the list of electors in force at the time of such last election within two days following the date of publication of the notice prescribed in Schedule J. Such deposit shall replace the enumeration of electors.

Term of
office

A person elected at the election remains in office for the remainder of the term of the council member that he replaces.

Expiry of
nomination
period

“20*a*. If no person is nominated for election to the office of mayor, the councillors shall proceed in accordance with section 20*b*, within fifteen days after the expiry of the period fixed for the nomination of candidates.

Vacancy

If no person is nominated for election to the office of councillor, that office remains vacant until the next fixed election date prescribed for that office, subject to section 20*c*.

Vacancy
near
election

“20*b*. When the office of mayor becomes vacant within the twelve months preceding the election prescribed in section 64*b*, the councillors shall elect one of their number to fill the office of mayor for the remainder of the term, within fifteen days after the vacancy has occurred. That election is by secret ballot, and the clerk shall proclaim elected the person who obtains a majority of the votes of the councillors present. If the votes are equally divided, the person presiding at the sitting shall give a casting vote, even if he has already voted and notwithstanding any contrary provision.

Vacancy

The acceptance by a councillor of the office of mayor renders his office of councillor vacant.

Vacancy

When the office of councillor becomes vacant during the period contemplated in the first paragraph, it remains vacant until the next fixed election date prescribed for that office, subject to section 20*c*.

Election

Notwithstanding the first three paragraphs, the council may, within fifteen days after a vacancy, order that it be filled in accordance with section 20. The returning officer shall then act in accordance with that section within eight days of the decision of the council.

Written notice to Minister

“20c. The clerk shall notify in writing the Minister of Municipal Affairs and shall explain to him the situation each time that

(1) the election for which the date is fixed under section 64*b* has not taken place;

(2) the election contemplated in section 20 has not taken place on the date fixed by virtue of that provision;

(3) the notice fixing the date of an election contemplated in section 20 has not been given;

(4) the election has taken place but an insufficient number of council members have been elected; or

(5) by reason of vacancies, there is not a quorum on the council.

Holding of election on Minister's order

In the case contemplated in the first paragraph, the Minister of Municipal Affairs may order an election to be held on the date that he fixes. The election shall be presided over by the person that he designates, and the second and third paragraphs of section 20 apply thereto. Notice of the election is given in accordance with the first paragraph of that section.

Holding of election on Minister's order

If the election ordered by the Minister does not take place or an insufficient number of council members are elected at that election, the Minister may avail himself again of the power mentioned in the second paragraph or appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

Appointment by Minister

If the Minister avails himself again of the power mentioned in the second paragraph and the election does not take place or an insufficient number of council members are elected at the election, the Minister may appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

Effect of provisions

“20d. The provisions of this charter to the effect that a person is elected or appointed for the remainder of the term of the council member that he replaces do not have the effect of exempting that person from the legislative provisions prescribing the cases where a person ceases to be a council member of a municipality.

Annulled election

“20e. A vacancy caused by a judgment annulling an election is filled in accordance with sections 20 to 20*d*.”

1929, c. 95,
s. 21, am.

6. Section 21 of the said charter, replaced by section 2 of chapter 86 of the statutes of 1969, is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) a member or civil servant, other than an employee within the meaning of the Labour Code (R.S.Q., chapter C-27), of:

- (1) the Ministère des Affaires municipales,
- (2) the Ministère de l'Environnement,
- (3) the Commission municipale du Québec,
- (4) the Bureau de révision de l'évaluation foncière du Québec,
- (5) the Société d'habitation du Québec,
- (6) the Commission de police du Québec,
- (7) the Commission de protection du territoire agricole du Québec,
- (8) the Régie du logement,
- (9) the Ministère des Transports,
- (10) the Commission des transports du Québec,
- (11) the Régie des services publics, or
- (12) the Régie de l'électricité et du gaz.

Application

The first paragraph does not apply to a person who is a member of the council on 18 June 1980, until he ceases to hold that office. A person does not cease to be a member of the council at the end of his term if he is re-elected at the next election;

“(b) a person who is a member of the Legislature of Québec or of the Parliament of Canada.

Application

The first paragraph does not apply to a person who is a member of the Legislature of Québec or of the Parliament of Canada on 18 June 1980, until he ceases to hold that office. A person does not cease to be a member of the Legislature of Québec or of the Parliament of Canada at the end of his term if he is re-elected at the next election;”.

1929, c. 95,
s. 22,
replaced

Notice of
acceptance

7. Section 22 of the said charter is replaced by the following section:

“**22.** Any person duly elected or appointed to the office of mayor shall give notice in writing to the city clerk of his acceptance of the

office within eight days after the clerk has notified him in writing of his election. A person so elected to the office of mayor who refuses or neglects to accept such office shall pay a fine of four hundred dollars.

Absence of
mayor

If the mayor absents himself from the city during more than three consecutive calendar months, except in case of sickness or on public business, he shall in such case cease to hold office as mayor, and shall be liable to the penalty fixed for refusal to accept such office."

1929, c. 95,
s. 35, am.

8. Section 35 of the said charter, replaced by section 7 of chapter 75 of the statutes of 1972, is amended

(1) by replacing subsection 1 by the following subsection:

Qualifica-
tions of
electors

"(1) Every natural person of full age on the date fixed for the polling and of Canadian citizenship and who is not disqualified from voting by law during the preparation of the list of electors and at the time of the vote, is an elector and is entitled to be entered on the list of electors:

(a) if he has been domiciled in the city for at least one year before the date fixed for the census;

(b) if he is not domiciled in the city, but is entered on the assessment roll in force as owner of an immovable in the city of a value, entered on the roll, of at least \$1 000; or

(c) if he is not domiciled in the city, but is entered on the roll of rental values in force as tenant or co-tenant in the city, of an office or place of business the annual rental value of which, entered on the roll, is at least \$600.

Heirs, joint
owners and
usufruc-
tuaries

Furthermore, the heirs, joint owners and usufructuaries of an immovable in the city or the tenants or co-tenants of an office or place of business in the city who are mentioned in paragraphs *b* and *c* may vote at an election through a representative appointed by the majority of them; in the case of an usufructuary, the usufructuary alone is entered as an elector.

Power of
attorney

A power of attorney for such purpose must be filed at the office of the city clerk not later than the Monday of the ninth week preceding the polling.

Affidavit

An affidavit attesting the authenticity of the signatures must be annexed to the power of attorney.

Entry on
list

The city clerk shall summarily enter on the list of electors the names and addresses of such heirs, joint owners, usufructuaries, tenants and co-tenants, and the names, addresses and occupations of their representatives after the foregoing formalities have been fulfilled.

Public
notice

Between the twelfth and the tenth week preceding that of the polling, the returning officer shall publish, at least once a week in a French newspaper of the city, a public notice informing the electors concerned of the provisions of this section.”;

(2) by replacing the second paragraph of paragraph *a* of subsection 2 by the following paragraph:

Presump-
tion

“A person who has left his principal establishment for more than a year is deemed to have changed his domicile;”;

(3) by replacing paragraphs *f* and *g* of subsection 2 by the following paragraphs:

“(f) any person who temporarily leaves his domicile to study is deemed to retain his domicile at the place he is established;

“(g) an elector, after having been entered on the list of electors in the polling subdivision of his domicile, is not deprived of his right to vote, if he establishes his domicile in another electoral district before the expiry of the period prescribed in subsection 1 of section 44 and subject to the provisions of the said section.

Exception

However, in the case of an election to the office of councillor held under sections 20 to 20*d*, an elector, after having been entered on the list of electors of the polling subdivision of his domicile, is deprived of his right to vote, if he establishes his domicile in another electoral district before polling day;”.

1929, c. 95,
s. 38,
repealed

9. Section 38 of the said charter is repealed.

1929, c. 95,
s. 38*a*,
replaced

10. Section 38*a* of the said charter, replaced by section 9 of chapter 75 of the statutes of 1972, is replaced by the following section:

Omitted
name

“**38*a*.** On the certificate of the head of the valuation department of the Communauté urbaine de Québec, the returning officer, on the polling day, shall grant the right to vote to any elector whose name was omitted by error from the list of electors though entered on the assessment roll in force. The elector may exercise his voting right only if he makes oath, before the deputy returning-officer, that he is qualified to vote and has not yet voted.”

1929, c. 95,
s. 39,
repealed

11. Section 39 of the said charter is repealed.

1929, c. 95,
s. 40,
replaced

12. Section 40 of the said charter, replaced by section 10 of chapter 75 of the statutes of 1972 and amended by section 6 of chapter 54 of the statutes of 1976, is replaced by the following section:

Preparation
of list

“40. (1) Each year in which a general election is held, the returning officer, assisted by the enumerators he appoints for that purpose, shall prepare a list of electors between Tuesday of the eighth week preceding that of the poll and Friday of the same week at the latest. The list shall contain the names of all the electors qualified to vote under section 35.

Vacancy

When the office of mayor or councillor becomes vacant more than twelve months after the date on which a general election has been held, subject to sections 20 to 20*d*, the returning officer shall prepare a list of electors in accordance with the preceding paragraph.

Exercise of
right to
vote

In order to exercise his right to vote, an elector must be entered on the list of electors.

Vote for
mayor and
vote for
councillor

An elector may exercise his right to vote once for the election of the mayor and once for the election of the councillor of the district in which he is entitled to vote.

Polling
station

An elector domiciled in the city shall exercise his right to vote in the polling station of the polling subdivision where his domicile is situated.

Elector
domiciled
outside city

If the elector is domiciled outside the city, such right shall be exercised in the district where he is the owner or tenant of the immovable which qualifies him.

Immovables
in several
districts

If he is the owner or tenant of several immovables situated in more than one district, he shall vote in the district in which he holds the immovable having the highest value entered on the assessment roll or in the district where he occupies the place of business having the highest value entered on the roll of rental values.

Polling sub-
divisions

In preparing the list of electors for each district of the city, the returning officer shall subdivide each electoral district into as many polling subdivisions as necessary, each containing the names of about three hundred electors.

Entry of
number

A consecutive number must be entered after the name of each elector entered on the list of electors of each polling subdivision.

Information
from assess-
ment
department

The assessment department of the Communauté urbaine de Québec shall furnish the returning officer with all the information necessary for the making of the list of electors.

Enumerator

(2) Every enumerator must be domiciled in the city.

- Appointment** (3) The returning officer, when appointing an enumerator, shall advise him in writing of his appointment and of the name and address of the other enumerator with whom he is to prepare the list of electors.
- Oath** (4) Every enumerator, before entering upon his duties, must make, before the district director, the oath in the form prescribed for that purpose by the returning officer; the district director shall forward a duplicate of the oath to the returning officer.
- Instructions** (5) The district director shall furnish each enumerator with the instructions approved by the returning officer containing the provisions relating to the enumeration and enumerators, and the necessary books and forms.
- Badge** (6) Each enumerator, throughout the whole time that he is making the enumeration, shall wear, so that it can easily be seen, the badge furnished him by the district director.
- Badge** Each such badge shall bear the words "Recenseur/Ville de Québec" and a distinguishing number.
- Return** Such badge shall be returned to the district director as soon as the enumeration is terminated.
- List of enumerators** (7) The returning officer must draw up a list of the enumerators of each electoral district, on which he shall enter the surname, given names, address and profession or occupation of each enumerator and the number of his badge and that of the polling subdivision for which he is appointed.
- Dismissal** (8) Every enumerator who refuses or neglects to fulfil any of the duties imposed upon him by this charter may be dismissed by the returning officer, who shall appoint another enumerator to replace him.
- Loss of remuneration** An enumerator dismissed for the reasons mentioned in the first paragraph shall be entitled to no remuneration.
- Replacement** When an enumerator dies or, for any other reason, becomes unable to act, the returning officer must appoint another enumerator to replace him.
- Delivery of documents** (9) Every enumerator dismissed or replaced under subsection 8 and his assigns, as the case may be, shall, on demand of the returning officer, deliver to him the election papers, forms, badge and written instructions obtained by such enumerator for the performance of his duties.
- Joint work** (10) The enumerators of each polling subdivision shall work together; they must never work separately.

Disagreement In the event of disagreement between them, the matter must be submitted to the district director who shall decide it forthwith, and the enumerators shall be bound by such decision.

Work procedure (11) During the enumeration, the enumerators, being duly sworn, shall, by joint house-to-house visit, in the polling subdivision assigned to them, working together, gather the surnames, given names, addresses, professions or occupations and ages of the persons qualified to vote under section 35.

Entries Only the names of the persons domiciled in the dwelling visited may be entered, and the entry must be made in the dwelling itself.

Daytime and evening visit (12) The enumerators must visit every dwelling situated in their polling subdivision, the first time between nine o'clock in the morning and six o'clock in the evening, and a second time between seven o'clock and ten o'clock in the evening, unless they are certain that they entered every qualified elector at the first visit.

Card At each dwelling where the enumerators receive no answer at the time of their first visit, they must leave a card, in the form prescribed by the returning officer, indicating the date of their second visit.

Entry on request (13) In no case may the enumerators enter the name of an elector unless they are requested to do so at the domicile of the elector by the elector himself or, by reason of absence or illness, by any person present who is a qualified elector.

Doubtful entry (14) If, after entering the name of a person on the list, one of the two enumerators seriously doubts his right to be entered thereon, he may make a report of the reasons for his doubts, in the form prescribed by the returning officer, which he must transmit to the revisor in a closed and sealed envelope, delivered at or addressed to the office of the district director.

Certificate (15) The enumerators shall leave for each elector entered on the list, at his domicile, a certificate in the form prescribed by the returning officer, bearing their signatures."

1929, c. 95,
s. 40a,
replaced **13.** Section 40a of the said charter, enacted by section 11 of chapter 74 of the statutes of 1940, is replaced by the following section:

Returning officer and assistant "40a. The returning officer and his assistant are deprived of the right to have their names entered on the list of electors."

1929, c. 95,
s. 40b, am. **14.** Section 40b of the said charter, enacted by section 2 of chapter 80 of the statutes of 1973 and amended by section 7 of chapter 54 of the statutes of 1976, is amended

(1) by replacing the first paragraph by the following paragraph:

List of electors under Election Act

“40b. For the purpose of making the list of electors, the returning officer may use the list of electors prepared in accordance with the Election Act (1984, chapter 51) by regrouping, if necessary, the names of electors entered on that list to meet the requirements for delimiting polling and municipal electoral districts.”;

(2) by striking out the words “and in an English newspaper” in the fourth paragraph.

1929, c. 95,
ss. 41a -
41d, added

15. The said charter is amended by adding, after section 41, the following sections:

Separate lists

“41a. The enumerators shall draw up a separate list of electors for each polling subdivision.

Entry of names

They shall enter on such list the name of each person for whom they issued a certificate when they made their house-to-house visit.

Omission or improper entry

“41b. Enumerators who, wilfully and without reasonable excuse, omit from the list of electors any person entitled to be entered thereon, or who enter on the list any person not entitled to be entered thereon, shall forfeit all right to the remuneration for their services.

Order of street numbers

“41c. The list of electors of a polling subdivision must be drawn up according to the order of the street numbers and not in alphabetical order.

Entry procedure

The enumerators shall enter at the head of each list the name of the electoral district and the number and a description of the polling subdivision. They must then insert, one after the other and without blanks, over-writing or interlineations, the surname, given names, occupation and age of each elector, placing before his name the civic number of his domicile. In addition, when the elector is domiciled in a building with multiple dwellings, his apartment number must be entered on the list. The age of the electors shall, however, be omitted from the copy of the list to be posted up.

Copies

Each list shall be typed in six copies as directed by the returning officer.

Dismissal

“41d. The enumerator who refuses or neglects to comply with sections 41a, 41b and 41c, must be dismissed by the returning officer who shall appoint another enumerator to replace him. The enumerator appointed to replace him must make and complete the list jointly with the other enumerator, following which such list shall be certified under

oath in the manner prescribed in section 42. Thereupon, the list of electors, so attested under oath, has the same legal value as if the work had been entirely done by the new enumerator jointly with the other enumerator.

Loss of
remu-
neration

The dismissed enumerator shall not be entitled to any remuneration."

1929, c. 95,
s. 42,
replaced

16. Section 42 of the said charter, replaced by section 12 of chapter 75 of the statutes of 1972, is replaced by the following section:

Oath

"42. The returning officer shall declare under oath that the list of electors is accurate to the best of his knowledge.

Time limit

The enumerators must complete the list not later than the Saturday of the week during which an enumeration has taken place, certify its accurateness by a joint oath drawn up according to the form prescribed for such purpose by the returning officer and remit it to the district director.

Printing

The lists must then be printed and deposited in the office of the returning officer and the office of the district director for the polling subdivision of that district; the age of the electors is omitted from the printed lists. Each printed list must bear the name and address of the printer.

Public
notice

The returning officer shall give public notice once a week in a French newspaper circulating in the city, of the printing of the lists, of their deposit for examination, and of the places and periods for filing applications for the entry and striking off of names, and for correction, and of the time, places and dates of the revisions.

Transmis-
sion to offi-
cial agents

Immediately after the printing of the list for each polling subdivision, the returning officer shall furnish five certified copies of the list to the official agent of every authorized party under the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

Transmis-
sion to
independent
candidates

The returning officer shall also give a copy of the printed list of electors to any elector who wishes to be an independent candidate for the office of mayor or councillor and who has obtained a nomination-paper in accordance with section 65a.

Transmis-
sion to can-
didates

During an election period, the returning officer shall send five certified copies of the list to every candidate.

Receipt

Every person who receives one or more copies of the printed list from the returning officer shall give him a receipt duly dated and signed."

1929, c. 95,
s. 44,
replaced

17. Section 44 of the said charter, replaced by section 5 of chapter 86 of the statutes of 1969 and amended by section 47 of chapter 42 of the statutes of 1980, is replaced by the following section:

Office hours

“44. (1) Notwithstanding any provision to the contrary, the office of the district director shall remain open from eight o'clock in the morning to ten o'clock in the evening from Tuesday to Saturday of the fifth week prior to the polling, to receive applications for the entry and striking off of names and for corrections of the list of electors. No such application may be validly received after the expiry of that period.

Additional
offices

If the returning officer considers that the number of offices open under this section is not sufficient, he may open the number of additional offices that he considers necessary for such purposes. All such offices must be kept open from eight o'clock in the morning until ten o'clock in the evening during the same period.

Copy of list

In the offices opened under this section, the district director shall make available to the electors a duplicate or a certified copy of the list of electors for the polling subdivisions or the electoral districts for which he is responsible.

Location of
offices

Such offices must be situated and distributed in such a way as to accommodate the electors as equally as possible.

Appoint-
ment and
oath

The returning officer shall appoint competent persons to keep such offices. Each person so appointed, before entering upon his duties, shall make oath, in the form prescribed by the returning officer to perform the duties of his office well and faithfully.

Revision

(2) (a) The list of electors of every polling subdivision of an electoral district shall be revised by a board of three members appointed by the returning officer.

List provid-
ed by
parties

Where candidates of more than one authorized party were elected at the last general election, the returning officer shall appoint a member of the board from a list provided by the party with the greatest number of candidates elected at that election and a second member from the list provided by the party with the second greatest number of candidates elected.

Same num-
ber of can-
didates

Where the parties have the same number of candidates elected, their ranks are established, for the purposes of the second paragraph, according to the number of votes obtained by all the candidates of each party.

Recommendation	The recommendation of a party is made by means of a writing signed by its official representative and given to the returning officer not later than four thirty in the afternoon on Friday of the sixth week preceding the polling.
Choice of returning officer	Where the recommendation is not received within the time fixed or where the person recommended is unable to hold the office or where the party is no longer authorized, the returning officer shall appoint the persons of his choice.
Replacement	(b) Any revisor who dies, resigns or refuses to act shall be replaced in the same manner as he was appointed.
Qualified electors	(c) The revisors must be chosen from among persons who are qualified as electors.
Notice	(d) Notice of the appointment of the revisors shall be posted up forthwith in a conspicuous place in the office of the district director.
Oath	(e) Before acting as such, every revisor shall make oath in the form prescribed by the returning officer, before the chief judge of the Municipal Court, to perform the duties of his office well and faithfully. A duplicate of his oath shall be sent or delivered to the returning officer, within five days after the oath is taken.
Election of chairman and quorum	(f) At the first meeting of the board, the revisors shall first elect from among their number a chairman and a vice-chairman. Two revisors shall constitute a quorum.
Decisions	(g) Every question submitted to the board of revisors shall be decided by a majority vote; in the event of a tie-vote, the chairman shall have a casting vote.
Secretary	(h) The returning officer may appoint a secretary for each board of revisors established under this section and provide such board with all necessary help.
Power of inquiry	(i) The board of revisors and any revisor duly authorized by it shall have the right to make inquiry to ascertain if a person already entered on the list of electors or who applies to be entered is entitled to be so entered. Such person may be assisted by an advocate.
Duties	(j) The board of revisors must examine and correct the list of electors of every polling subdivision comprised in the electoral districts for which it is appointed.
Description of subdivision	It shall cause to be entered at the top of each list the name of the electoral district and a sufficient description of each polling subdivision.

Revision period	(k) The revision of the list of electors shall take place from ten o'clock in the morning to twelve thirty in the afternoon, from two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening from Monday to Saturday of the fourth week preceding the polling, at the various places determined by the returning officer.
Additional time	If such hours are insufficient to enable the board to complete its revision of the lists, it shall take whatever additional time is necessary during the same week.
Applicable Act	(3) Unless there is a provision inconsistent with this charter, the Election Act (1984, chapter 51) applies to any matter concerning the revision of the lists of electors, <i>mutatis mutandis</i> ."
1929, c. 95, s. 64b, am.	18. Section 64b of the said charter, enacted by section 31 of chapter 81 of the statutes of 1965 (1st session), is amended by striking out, in the first paragraph, the words and figures "From and after 1965,".
1929, c. 95, s. 65, replaced	19. Section 65 of the said charter, replaced by section 24 of chapter 86 of the statutes of 1969 and amended by section 13 of chapter 75 of the statutes of 1972, is replaced by the following section:
Returning officer and deputy, election clerk	"65. The city clerk is <i>ex officio</i> the returning officer and the assistant clerk is his deputy. The returning officer shall appoint an election clerk from among the staff of the city clerk. Their salary shall appear separately in the budget for the fiscal year during which an election is held.
Replacement	In the absence of the city clerk or on his refusal or inability to act, his assistant shall replace him and exercise all the powers and duties assigned to him for the holding of the election. If the clerk and the assistant clerk cannot act, the chief judge of the Municipal Court shall appoint <i>ex officio</i> a person to conduct the election.
District director	Where an election is to be held, the returning officer shall, not later than the Monday of the eleventh week preceding that of the polling, name a person to act as district director for each electoral district. However, the returning officer may entrust to a district director so appointed, the responsibility for one or more electoral districts. The person appointed, within five days of his appointment, shall inform the returning officer in writing of his acceptance of office.
Duties	The district director shall assist the returning officer who may delegate to him any duty and power assigned to him by this charter.

Election
personnel

The returning officer may also retain, on a temporary basis, the services of any persons he considers necessary for the holding of any election; he shall fix their remuneration; he shall define the duties of the members of his personnel and direct their work; no member of the personnel of the returning officer may engage in partisan work; striking is prohibited for the members of the personnel of the returning officer. Before taking office, the members of the personnel of the returning officer must make oath to carry out their duties well and faithfully in the form prescribed for that purpose by the returning officer.

Public
notice

Ten days at least before nomination day, the returning officer shall give public notice, in the form of Schedule A-1, over his signature, setting forth:

(1) the place, day and time fixed for the nomination of candidates;

(2) the day on which the polls for taking the votes of the electors will be held in case a poll is necessary.

Publication

The returning officer shall post up the notice in his office and publish it in one of the city's French newspapers.

Nomination
of can-
didates

The nomination of candidates for the offices of mayor and councillors shall take place at the office of the returning officer between noon and two o'clock in the afternoon, twenty-one days before the poll is held.

Nomination-
papers

The nomination of candidates is made by way of nomination-papers, in the form of Schedule A-2 or A-3.

Filing

The nomination-papers may also be filed at the office of the returning officer during ordinary working hours between the date of the notice of the election and the day of nomination of candidates, with the same effect as if produced at the time and place fixed for the nomination.

Affidavits
and oaths

The affidavits and oaths of the nomination-paper shall be received before the returning officer, his deputy or the person conducting the election."

1929, c. 95,
s. 66, am.

20. Section 66 of the said charter, replaced by section 22 of chapter 51 of the statutes of 1954-55, is amended

(1) by replacing the words "Such requisition or" in the first paragraph by the word "The";

(2) by adding the following paragraphs:

Name of
party

“The nomination-paper of a candidate must indicate the name of his authorized party or, where such is the case, bear the inscription “independent”, if he so desires, and the name of the official agent of the candidate.

Affidavit

An affidavit or a solemn affirmation from the official representative of the party declaring that the person is the candidate of the party for the office contemplated must be produced at the same time as the nomination-paper of the candidate of an authorized party.”

1929, c. 95,
s. 66*d*,
replaced

21. Section 66*d* of the said charter, enacted by section 8 of chapter 72 of the statutes of 1949, is replaced by the following section:

Death of
nominated
candidate

“**66*d*.** If a candidate dies between the nomination of candidates and the closing of the poll, the polling is postponed and the returning officer shall immediately fix another day for the nomination.

New elec-
tion date

In such case, the nomination of candidates shall be fixed for the second Monday following the death of the candidate and the election shall be held on the third subsequent Monday.

Notice

The returning officer shall then cause a notice to be published informing the electors concerned of the new date for the nomination of candidates and the new election date.

Proceedings

Such new election shall, in all other respects, be held in the same manner as a fixed-date election; however, the revised list which was to be used for the election that was not held as a result of the death of the candidate shall be used for such new election.

Deposit

The deposit of a deceased candidate shall be remitted to his legal representatives.”

1929, c. 95,
s. 66*e*,
added

22. The said charter is amended by adding, after section 66*d*, the following section:

Withdrawal

“**66*e*.** A candidate may withdraw his candidacy if he delivers to the returning officer a declaration to that effect, signed by himself and by two electors qualified to vote at his election.

Ballot-paper

The name of the candidate must not appear on the ballot-paper if the declaration of withdrawal is filed with the returning officer within three days after the expiry of the period provided for the nomination of candidates.

Striking off
of name

However, if the declaration is filed more than three days after the expiry of that period and it is impossible to print new ballot-papers,

the deputy returning-officer of the polling station must strike off the name of the candidate from every ballot-paper.

Sole remaining candidate

If, after the withdrawal of a candidacy, there remains but one candidate, the returning officer shall return him as elected in the manner provided in section 71."

1929, c. 95,
s. 67,
replaced

23. Section 67 of the said charter is replaced by the following section:

Specification of office

"**67.** The nomination-paper must specify if the candidate is nominated for the office of mayor or the office of councillor; in the latter case, the nomination-paper must mention the district for which the candidate is nominated."

1929, c. 95,
s. 68,
replaced

24. Section 68 of the said charter is replaced by the following section:

Written consent

"**68.** The nomination-paper must contain the written consent of the candidate."

1929, c. 95,
s. 69,
replaced

25. Section 69 of the said charter, replaced by section 14 of chapter 75 of the statutes of 1972, is replaced by the following section:

Solemn affirmation

"**69.** A solemn affirmation made by the candidate or by another person attesting that the candidate has the qualification required by section 18, must be filed together with every nomination-paper."

1929, c. 95,
s. 70, am.

26. Section 70 of the said charter, replaced by section 1 of chapter 22 of the statutes of 1979, is amended by replacing the words "Such requisition" by the words "The nomination-paper".

1929, c. 95,
s. 71,
replaced

27. Section 71 of the said charter is replaced by the following section:

Sole nominated candidate

"**71.** If, at the expiration of the period fixed for the nomination of candidates for mayor or councillor, only one candidate be nominated for one or the other of those offices, such candidates shall *ipso facto* be elected, and the returning officer shall forthwith proclaim such candidates elected and notify them forthwith of their election. He shall also publish a notice of the election of the candidates in one of the city's French newspapers.

Insufficient nominations

If, at the expiration of the period prescribed in the eighth paragraph of section 65, no person has been nominated to fill an office, or if the persons nominated are not sufficient in number to fill the offices, or if all the persons nominated for any office have withdrawn before

the close of the poll, the returning officer shall immediately recommence the election proceedings to fill the offices for which a poll cannot be so held, and give for such purpose the notice prescribed in the sixth paragraph of section 65.

Proceedings The election shall in all other respects be held in the same manner as the election contemplated in section 64*b*.

Appointment by Minister The returning officer shall not recommence the election proceedings under the second paragraph more than once, and if any of the eventualities contemplated therein then occurs, the Minister of Municipal Affairs may appoint eligible persons to fill the vacant offices, or one or several of them, for the term or for the remainder of the term of the council members they replace."

1929, c. 95,
s. 72,
replaced **28.** Section 72 of the said charter, replaced by section 48 of chapter 42 of the statutes of 1980, is replaced by the following section:

Date of election **"72.** When several persons are nominated for the same office, the returning officer shall announce that a poll will be held. The voting shall take place on the second Sunday following the first Wednesday in November, from ten o'clock in the morning to eight o'clock in the evening."

1929, c. 95,
s. 73,
replaced **29.** Section 73 of the said charter is replaced by the following section:

Notice **"73.** The returning officer shall post up a notice in his office listing the names of the candidates for the office of mayor or councillor in each electoral district. The notice must indicate the name of the party of the candidate, in the case of a candidate of an authorized party or, in other cases, indicate that the candidate is an independent.

Publication The notice must also be published at least twice weekly in a French newspaper of the city from nomination day until polling day."

1929, c. 95,
s. 76, am. **30.** Section 76 of the said charter, replaced by section 9 of chapter 72 of the statutes of 1949, is amended

(1) by replacing the first paragraph by the following paragraph:

Polling stations **"76.** The polling stations shall be established by the returning officer who shall send by ordinary mail or any other means he considers appropriate, to every elector, at the address indicated on the list of electors, at least two clear days before the poll, a notice advising him where he is entitled to vote.";

(2) by replacing the third paragraph by the following paragraph:

Grouping of
stations

“The returning officer may, at his own discretion, group the polling stations in public halls, schools, hospital centres, reception centres or other large premises.”;

(3) by replacing the fourth paragraph by the following paragraph:

Use of
school
board
premises

“A school board must allow the use of its premises free of charge for the establishment of polling stations.”

1929, c. 95,
s. 80,
replaced

31. Section 80 of the said charter, replaced by section 8 of chapter 50 of the statutes of 1957-58, is replaced by the following sections:

Polling
officers

“**30.** Deputy returning-officers, poll clerks and officers in charge of information and order are polling officers. Deputy returning-officers and poll clerks must be qualified as electors.

Information
and order

The returning officer shall appoint an officer in charge of information and order at every place where there is a group of polling stations and at every place where there is only one polling station.

Deputy
returning-
officer

“**30a.** The functions of the deputy returning-officer are, in particular,

(1) to see to the arrangement of the polling station;

(2) to ensure that the polling is properly conducted and maintain order;

(3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;

(4) to proceed with the counting of the votes;

(5) to transmit the results of the vote to the returning officer and remit the ballot box to him.

Poll clerk

“**30b.** The functions of the poll clerk are, in particular,

(1) to enter in the poll-book the particulars relating to the conduct of the polling;

(2) to assist the deputy returning-officer.”

1929, c. 95,
s. 82,
replaced

32. Section 82 of the said charter is replaced by the following section:

Oath

“82. The deputy returning-officer shall make oath, before the district director or his representative, to faithfully and impartially perform the duties of his office as set forth in the form in Schedule C-1.”

1929, c. 95,
s. 83, am.

33. Section 83 of the said charter, replaced by section 37 of chapter 81 of the statutes of 1965 (1st session) and amended by section 5 of chapter 97 of the statutes of 1974, is amended by replacing the letter “C” in the first paragraph by the letter and figure “C-2”.

1929, c. 95,
s. 83.1,
added

34. The said charter is amended by adding, after section 83, the following section:

Appoint-
ment of
deputy
returning-
officers and
clerks

“83.1 Where candidates of more than one authorized party were elected at the last general election, the returning officer shall appoint as deputy returning-officers and poll clerks of the polling stations designated, every person recommended by the party with the greatest number of candidates elected and by the party with the second greatest number of candidates elected, respectively. The persons so recommended must be domiciled within the limits of the city at the time the list is given.

Same num-
ber of can-
didates

Where the parties have the same number of candidates elected, their ranks are established, for the purposes of the first paragraph, according to the number of votes obtained by all the candidates of each party.

Recommen-
dation

The recommendation of a party is made by means of a writing signed by its official representative and given to the returning officer not later than four thirty in the afternoon on the sixteenth day preceding the day fixed for the polling.

Appoint-
ment by
returning
officer

Where the recommendation is not received within the time fixed or where the person recommended is unable to hold office or where the party is no longer authorized, the returning officer shall appoint the person of his choice.”

1929, c. 95,
s. 85, am.

35. Section 85 of the said charter, replaced by section 38 of chapter 81 of the statutes of 1965 (1st session), is amended by adding the following paragraph:

Forms and
documents

“The city clerk shall also deliver to each deputy returning-officer the forms and documents necessary for counting the votes as well as any objects required for the poll.”

1929, c. 95,
s. 88,
replaced

36. Section 88 of the said charter is replaced by the following section:

Presence of
candidate

“38. Every candidate is entitled to be present during the voting hours at the polling station in the electoral district for which he is a candidate. The candidate may also be represented by a person holding a power of attorney signed by him. The power of attorney shall be signed by the candidate and be presented to the deputy returning-officer. It is valid for the duration of the polling.”

1929, c. 95,
s. 90, am.

37. Section 90 of the said charter, replaced by section 30 of chapter 51 of the statutes of 1954-55, is amended by striking out the words “, as hereinafter required” in the tenth line.

1929, c. 95,
s. 90a,
added

38. The said charter is amended by adding, after section 90, the following section:

Presence of
polling
officers

“90a. The deputy returning-officer, the poll clerk and the officer in charge of information and order shall be present at the polling station one hour before opening.

Candidates

The candidates or their representatives may be present from the same moment. They may attend any operation conducted there.”

1929, c. 95,
s. 91, am.

39. Section 91 of the said charter is amended by adding, at the end of the last paragraph, the words “It shall then be placed on the table of the polling station so as to be visible to the polling officers.”

1929, c. 95,
s. 92,
replaced

40. Section 92 of the said charter is replaced by the following section:

Admittance
to vote

“92. Not more than one voter may be admitted to the poll at the same time. The elector shall indicate, to the deputy returning-officer and the poll clerk, his surname, given name and address and, when so required, his age all of which will be entered in the poll-book by the poll clerk. The deputy returning-officer shall admit an elector to vote if the elector has not already voted and if he is entered on the list of electors.”

1929, c. 95,
s. 94,
replaced

41. Section 94 of the said charter, replaced by section 27 of chapter 86 of the statutes of 1969, is replaced by the following section:

Entry on
list and
vote

“94. No elector may be entered on the list of electors of a polling subdivision in the city more than once or vote more than once for the election of the mayor or a councillor. Nor shall the elector be entered on the list of electors of any other polling subdivision in the city or vote elsewhere than at the polling station in his polling subdivision. In addition, an elector may be entered on a list of electors and vote as a representative appointed under section 35.”

1929, c. 95,
s. 96,
replaced

42. Section 96 of the said charter is replaced by the following section:

Declaration
under oath

“96. Before the deputy returning-officer remits a ballot-paper, he, the poll clerk or the representative of a candidate may require a person to declare under oath, in the form prescribed by the returning officer, that he is an elector. The poll clerk shall indicate the name of the person requiring the declaration and the reasons for the requirement, in the poll-book.”

1929, c. 95,
s. 97,
replaced

43. Section 97 of the said charter is replaced by the following section:

Refusal

“97. The deputy returning-officer shall not give a ballot-paper to a person who refuses to make oath, and this must be indicated in the poll-book.”

1929, c. 95,
s. 99, am.

44. Section 99 of the said charter, amended by section 158 of chapter 31 of the statutes of 1982, is amended by replacing, in the French text, the words “l’urne” in the eighth line of the first paragraph by the words “la boîte de scrutin”.

1929, c. 95,
s. 101, am.

45. Section 101 of the said charter, replaced by section 159 of chapter 31 of the statutes of 1982, is amended by replacing the expression “candidate or his representative”, in the fourth and fifth lines, by the expression “candidates or their representatives”.

1929, c. 95,
s. 103, am.

46. Section 103 of the said charter is amended by replacing the first paragraph by the following paragraph:

Name used
by other
person

“103. An elector under whose name a person has already voted may nevertheless be admitted to vote after making the oath in the form prescribed by the returning officer, and this must be indicated in the poll-book.”

1929, c. 95,
s. 105,
replaced

47. Section 105 of the said charter is replaced by the following section:

Secrecy

“105. Voting is secret. No elector may, at the place where the polling station is located, let it be known, in any manner, in favour of whom he proposes to vote or has voted. Any elector who lets it be known for whom he has voted is deprived of his right to vote and to have his ballot-paper deposited in the ballot-box. The ballot-paper is placed with those to be set aside and mention thereof is entered in the poll-book.”

1929, c. 95,
s. 106,
replaced

48. Section 106 of the said charter is replaced by the following section:

- Secrecy **"106.** No person may, at the place where the polling station is located, attempt to learn the name of the candidate in favour of whom an elector proposes to vote or has voted.
- Secrecy No person may be compelled to state for whom he voted."
- 1929, c. 95,
ss.
106b-106d,
added **49.** The said charter is amended by adding, after section 106a, the following sections:
- Prohibited
acts **"106b.** On the premises of a polling station, no person may use anything to signify his political affiliation or express his support of a party or a candidate.
- Powers of
officers **"106c.** The district director and the deputy returning-officer have, in the exercise of their functions, all the powers of a justice of the peace.
- Delay on in-
terruption **"106d.** If it is not possible for the polling to begin at the fixed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot-papers, it shall be continued until it has lasted ten hours."
- 1929, c. 95,
s. 107,
replaced **50.** Section 107 of the said charter is replaced by the following section:
- Entries in
poll-book **"107.** (1) Before opening the ballot-box, the poll clerk shall enter in the poll-book
- (a) the number of electors having voted; and
- (b) the number of ballot-papers spoiled or cancelled and the number of unused ballot-papers.
- Counting of
votes (2) After the close of the poll, the deputy returning-officer, assisted by the poll clerk, shall proceed with the counting of the votes. The candidates and their representatives may attend.
- Compiling
sheet (3) The deputy returning-officer, the poll clerk and the representatives shall use the compiling sheet provided by the returning officer for the counting of the votes.
- Counting (4) The deputy returning-officer shall open the ballot-box, count the votes by taking, one by one, the ballot-papers placed in the ballot-box and allow each person present to examine them.
- Valid ballot-
papers (5) The deputy returning-officer shall declare valid every ballot-paper which an elector has marked in one of the circles in the manner provided in section 99.

Rejected
ballot-
papers

However, the deputy returning-officer shall reject every ballot-paper which

- (a) has not been furnished by him;
- (b) has not been marked;
- (c) has been marked in favour of more than one candidate;
- (d) has been marked in favour of a person who is not a candidate;
- (e) has been marked elsewhere than in one of the circles;
- (f) bears fanciful or injurious entries; or
- (g) bears a mark allowing the elector to be identified."

1929, c. 95,
s. 107a, am.

51. Section 107a of the said charter, enacted by section 32 of chapter 51 of the statutes of 1954-55, is amended by replacing the first paragraph by the following paragraph:

Objections

"107a. The deputy returning-officer shall consider every objection raised by a candidate or the representative of a candidate regarding the validity of a ballot-paper and decide it immediately. The deputy returning-officer's decision is final, subject to reversal only on recount before a judge, or if the election is contested. The objection and the decision of the deputy returning-officer shall be entered in the poll-book."

1929, c. 95,
s. 109,
replaced

52. Section 109 of the said charter, replaced by section 33 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Statement
of poll

"109. The deputy returning-officer shall prepare a statement specifying the number of

- (1) accepted ballot-papers,
- (2) votes in favour of each candidate for mayor or councillor,
- (3) rejected ballot-papers,
- (4) spoiled or cancelled ballot-papers, and
- (5) unused ballot-papers he returns.

Copies

The deputy returning-officer shall make two copies of the statement and put the original in the ballot-box. He shall keep one of the copies of the statement and hand in the other at the same time as the ballot-box to the returning officer or the person duly authorized to receive the ballot-box."

1929, c. 95,
s. 110,
replaced

53. Section 110 of the said charter is replaced by the following section:

Placing of
ballot-
papers in
envelopes

“110. After counting the ballot-papers in favour of each candidate for the office of mayor or councillor and drawing up a statement of the poll as in section 109, the deputy returning-officer shall place, in separate envelopes, the ballot-papers assigned to each candidate, the rejected ballot-papers, the spoiled or cancelled ballot-papers, and the unused ballot-papers. He shall then seal the envelopes.

Initials

The deputy returning-officer, the poll-clerk and those representatives wishing to do so shall affix their initials to the seals.

Objects
placed in
ballot-box

The envelopes, the poll-book and the list of electors, after a certified statement of the total number of electors who voted has been written at the bottom of the list, are put in the ballot-box together with any other objects used for the polling.

Sealing of
ballot-box

The deputy returning-officer shall then lock and seal the ballot-box. The deputy returning-officer, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.”

1929, c. 95,
s. 111,
repealed

54. Section 111 of the said charter is repealed.

1929, c. 95,
s. 112,
replaced

55. Section 112 of the said charter is replaced by the following section:

Copy of
statement

“112. The deputy returning-officer shall remit a copy of the statement drawn up in accordance with section 109 to the representative of each candidate who so wishes.”

1929, c. 95,
s. 113,
replaced

56. Section 113 of the said charter, replaced by section 34 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Delivery of
ballot-box

“113. After counting the votes, the deputy returning-officer shall deliver the ballot-box to the returning officer or to the person designated by him to receive it.

Authorized
person

Notwithstanding the first paragraph, the returning officer may authorize the ballot-boxes to be collected or received by any person he has duly authorized for such purpose.

Oath

The authorized person shall, before collecting or receiving any ballot-box, make oath in the form of Schedule H-1.”

1929, c. 95,
s. 114,
replaced

57. Section 114 of the said charter is replaced by the following section:

Supervision
of ballot-
boxes

"114. The ballot-boxes shall be kept under the constant supervision of the returning officer until they are opened the next morning as provided in section 115."

1929, c. 95,
s. 115,
replaced

58. Section 115 of the said charter is replaced by the following section:

Addition of
votes

"115. On the day after polling day, at eleven o'clock in the morning, the returning officer shall proceed with the addition of the votes. Any candidate, representative of a candidate or elector may attend.

Proceedings

The returning officer shall proceed with the addition of the votes by using the statements of the poll contained in the poll-books placed in the ballot-boxes and compiling the votes expressed in favour of each candidate for the office of mayor or councillor in each electoral district.

Declaration
of election

The returning officer shall declare elected the candidate for the office of mayor and the candidate for the office of councillor in each electoral district who, when the addition is completed, has received the greatest number of votes.

Communica-
tion of
results

He may then communicate to any person requesting it the results of the addition."

1929, c. 95,
s. 116,
replaced

59. Section 116 of the said charter, replaced by section 28 of chapter 86 of the statutes of 1969, is replaced by the following section:

Tie-vote

"116. In the case of a tie-vote, the returning officer shall apply for a recount of the votes in accordance with section 131."

1929, c. 95,
s. 118,
replaced

60. Section 118 of the said charter is replaced by the following section:

Documents
unavailable

"118. If, in the case of section 117, the lists, statements, certificates or copies thereof cannot be obtained, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes cast for each candidate for mayor or councillor at the several polling stations for which the boxes are missing."

1929, c. 95,
ss.
118a-118c,
added

61. The said charter is amended by adding, after section 118, the following sections:

Custody of
documents

"118a. The returning officer shall keep in his custody the documents contained in the ballot-boxes delivered to him under section 113 for one year from the transmission of the documents or, if the election is contested, for one year from the decision on the contestation.

Register of
elected can-
didates

“118b. The returning officer shall enter, in a register kept for such purpose, the names of the candidates declared elected to the office of mayor and that of councillor for each electoral district and the official results of the poll.

Publication
of notice

“118c. The returning officer shall publish, as soon as possible, in at least one French newspaper circulated in the city, a notice indicating the surnames and given names of the candidates elected to the office of mayor or that of councillor for each electoral district. The returning officer shall, as soon as possible after the election, publish a detailed return of the election, containing, in particular, the results for each electoral district, and also indicating the results of each polling subdivision for both the office of mayor and that of councillor. Copy of the return shall be sent to each candidate.”

1929, c. 95,
s. 119,
replaced

62. Section 119 of the said charter is replaced by the following section:

Conservator
of the peace

“119. The returning officer and each deputy returning-officer, from the time he makes the oath of office until the day after the closing of the election, shall be a conservator of the peace in the municipality, invested with all the powers of a justice of the peace.

Assistance

The returning officer or any deputy returning-officer may require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at the election.

Arrests

The returning officer or any deputy returning-officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election. He may also, by an order over his signature, cause to be imprisoned until an hour not later than the close of the poll every person who

(1) does not maintain order and disturbs the peace;

(2) is armed with a bludgeon, club, firearm or any other offensive weapon;

(3) carries or wears a flag, standard, banner, ribbon or label or any other distinctive mark or sign whatever identifying the candidate he supports or distinguishing the carrier or wearer as the supporter of a particular candidate, or of the opinions entertained, or supposed to be entertained, by such candidate;

(4) threatens to disturb the peace or good order or deliberately prevents or attempts to prevent an elector from exercising his right to vote or who in any way interferes with the voting.”

1929, c. 95,
s. 120,
replaced

63. Section 120 of the said charter is replaced by the following section:

Offence and
penalty

“120. Every person contemplated in an order given under section 119 and who refuses to obey such verbal order or warrant is guilty of an offence triable summarily and liable to a fine of not more than five hundred dollars.”

1929, c. 95,
s. 122,
replaced

64. Section 122 of the said charter is replaced by the following section:

Offences
and penal-
ties

“122. Every person who during the nomination of candidates or on polling day

(1) does not maintain order or disturbs the peace,

(2) is armed with a bludgeon, club, firearm or any other offensive weapon,

(3) carries or wears any flag, standard, banner, ribbon, label or other distinctive mark or sign whatever identifying the candidate he supports or distinguishing the carrier or wearer as the supporter of a particular candidate, or of the opinions entertained, or supposed to be entertained, by such candidate,

(4) threatens to disturb the peace or good order or deliberately prevents or attempts to prevent an elector from exercising his right to vote or who in any way interferes with the nomination of candidates or the voting,

is guilty of an offence triable summarily and liable to a fine of one hundred dollars, to imprisonment for three months, or both, at the discretion of the court.”

1929, c. 95,
s. 124,
replaced

65. Section 124 of the said charter, replaced by section 35 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Taking up
of office

“124. The mayor and councillors elected at the general election shall take office and enjoy the rights and privileges pertaining to their respective offices on the first day of December following the election. If that day is a non-juridical day, they shall take office on the following juridical day.

Taking up
of office

Every person elected at an election held under sections 20 and following shall take office on the second Monday following the day on which he is declared elected.”

1929, c. 95, s. 125, repealed **66.** Section 125 of the said charter, replaced by section 40 of chapter 81 of the statutes of 1965 (1st session) is repealed.

1929, c. 95, s. 130*d*, replaced **67.** Section 130*d* of the said charter is replaced by the following section:

Advance poll **“130*d*.** Election officers, handicapped persons or those persons who have reason to believe they will be absent from the city or unable to vote on polling day may vote in the advance poll.”

1929, c. 95, ss. 130*g*, 130*i*, 130*j*, am. **68.** Sections 130*g*, 130*i* and 130*j* of the said charter are amended by replacing the words “chief returning-officer” by the words “returning officer”.

1929, c. 95, heading, replaced **69.** The heading of Section XIII of the said charter is replaced by the following heading:

“RECOUNT BY A JUDGE”.

1929, c. 95, s. 131, replaced **70.** Section 131 of the said charter, replaced by section 37 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Re-addition of votes **“131.** There must be a re-addition of votes if it be made to appear, on the affidavit of a credible witness, that the returning officer has improperly added up the votes, and there must be a recount if it be made to appear, on the affidavit of a credible witness, that any deputy returning-officer has illegally counted or rejected any ballot-paper or has made an incorrect statement of the number of votes cast for any candidate.”

1929, c. 95, s. 132, replaced **71.** Section 132 of the said charter is replaced by the following section:

Demand for re-addition **“132.** The demand for a re-addition of votes or a recount is made by way of a motion, supported by an affidavit, to a judge of the Provincial Court of the judicial district of Québec and filed with the office of that court within the four days following the addition of the votes under section 115. The re-addition or recount must begin within four days of the presentation of the motion and be carried out as rapidly as possible.”

1929, c. 95, s. 133, replaced **72.** Section 133 of the said charter, amended by section 37 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

Written notice **“133.** The judge, in granting the motion, shall give to the candidates a written notice of not less than one clear day of the day, time

and place the re-addition or recount is to be held. The judge may direct that service of the notice upon the candidates may be upon their attorneys or may be made by mail or by posting or in such other manner as he thinks fit."

1929, c. 95,
s. 134,
replaced

73. Section 134 of the said charter is replaced by the following section:

Summons

"134. The judge shall summon the election clerk and the returning officer to attend on the day and at the time indicated and shall order the latter to bring with him the ballot-boxes of the election for which a re-addition or recount of the votes is requested. The returning officer and his election clerk shall be bound to obey such order."

1929, c. 95,
s. 135,
replaced

74. Section 135 of the said charter, amended by section 38 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

Proceedings

"135. On the appointed day, the judge, in the presence of the returning officer and his election clerk, shall proceed with the re-addition in accordance with section 115 or with the recount of the ballot-papers returned to the returning officer by the several deputy returning-officers. Each candidate is entitled to attend with not more than three agents appointed by him to attend.

Applicable
provisions

In conducting a recount of the ballot-papers, the judge shall examine the ballot-papers and all other documents contained in the ballot-box. Sections 107 and 107c apply to a decision on the validity of a ballot-paper and the judge may for that purpose take the means he considers advisable.

Powers of
judge

If a ballot-box or the required documents are missing, the judge shall take the appropriate means to ascertain the result of the vote. For that purpose, he is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

Immunity
of persons
testifying

Every person who testifies before the judge on that occasion shall have the same privileges and immunity as a witness before the Superior Court, and articles 307 to 309 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

Custody of
ballot-boxes

While the recount is in progress, the judge has the custody of the ballot-boxes and their content, and of all the other documents that have been remitted to him.

Compilation
of votes

Immediately upon the completion of the re-addition or recount, the judge shall compile the votes cast in favour of each candidate, verify

or rectify any statement of the poll and statement of votes and certify the result of the vote. The judge shall return the ballot-boxes to the returning officer, together with all the other documents used for the re-addition or recount.

Declaration
of election

The returning officer shall thereupon declare elected the candidate who received the greatest number of votes according to the certificate of the judge."

1929, c. 95,
s. 135a,
replaced

75. Section 135a of the said charter, enacted by section 29 of chapter 86 of the statutes of 1969, is replaced by the following section:

Equality of
votes

"135a. In case of equality of votes, the returning officer shall give a special notice of one clear day to each of the candidates concerned; the returning officer, at the time mentioned in the notice, shall proceed by a public drawing of lots and proclaim elected the person whom the drawing has favoured.

Rejection of
all ballot-
papers

If all the ballot-papers are rejected by the judge, the returning officer shall immediately fix another day for the nomination and hold a new election.

New elec-
tion

The new election shall be conducted, in other respects, in the same manner as an election contemplated in section 64b; but the revised list of electors used at the election following which all ballot-papers were rejected shall be used for such new election."

1929, c. 95,
s. 136,
replaced

76. Section 136 of the said charter, replaced by section 38 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Costs

"136. Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes are assumed by the petitioner. The costs are recoverable in the same manner as costs awarded in ordinary cases before the Provincial Court."

1929, c. 95,
s. 136a, am.

77. Section 136a of the said charter, enacted by section 39 of chapter 51 of the statutes of 1954-55, is amended by striking out the second paragraph.

1929, c. 95,
s. 137,
replaced

78. Section 137 of the said charter, replaced by section 17 of chapter 75 of the statutes of 1972, is replaced by the following section:

Applicable
provisions

"137. In all cases not specially provided for by this Act, the proceedings followed for the election of Members of the National Assembly provided for in the Election Act (1984, chapter 51) apply, *mutatis mutandis*, to the election of members of the city council, and all offences and penalties enacted by the said Act apply to the elections of members of the city council.

Applicable
provisions

In addition, the proceedings prescribed in this charter for the election contemplated in section 64*b* apply, *mutatis mutandis*, to an election held pursuant to sections 20 to 20*d*.”

1929, c. 95,
s. 138,
heading,
replaced

79. The said charter is amended by replacing the heading of Section XIV by the following heading:

“PENAL PROVISIONS”.

1929, c. 95,
s. 138,
replaced

80. Section 138 of the said charter, replaced by section 40 of chapter 51 of the statutes of 1954-55 and amended by section 45 of chapter 42 of the statutes of 1980, is replaced by the following sections:

Offences

“138. Every person who

- (1) offers himself as a candidate, knowing he is not qualified,
- (2) signs the nomination-paper for a candidate while he is not an elector,
- (3) falsely declares himself to be a candidate of an authorized party,
- (4) knowingly spreads false news of the withdrawal of a candidate, or who

(5) is a returning officer and accepts a nomination-paper which is incomplete or not accompanied with all the required documents,

is guilty of an offence.

Offences

“138*a*. Every person who

(1) at the same election, votes more than once in respect of the office of mayor or the office of councillor, except a representative exercising a right contemplated in section 94,

(2) permits a person to vote without being entered on the list of electors,

(3) votes without being entitled to vote,

(4) knowingly prints or uses a false ballot-paper or alters or counterfeits a ballot-paper,

(5) modifies or imitates the initials of the deputy returning-officer,

(6) acts as the representative of a candidate when his power of attorney is false,

(7) is a deputy returning-officer and gives a ballot-paper to a person refusing to make the oath required,

(8) is a deputy returning-officer and knowingly admits to vote a person who has already voted, or who

(9) is an election officer and arrives late at the polling station in order to delay the opening of the poll,

is guilty of an offence.

Offences

“138b. Every person who

(1) falsifies the statement of votes or the statement of the poll,

(2) knowingly destroys a ballot-paper before the end of the period for the contestation of the election, or who

(3) is a returning officer and makes a fraudulent declaration or issues a fraudulent declaration,

is guilty of an offence.

Offences

“138c. Every person who

(1) performs duties reserved to the election officers without being qualified as an elector, without being officially appointed or without making the oath required, or who

(2) is the returning officer, one of his officers or an election officer and fraudulently neglects or refuses to act, or acts against this charter,

is guilty of an offence.

Offence

“138d. Every employer who contravenes section 136a is guilty of an offence.

Penalties

“138e. Every person who is guilty of an offence contemplated in sections 138 to 138d is liable, in addition to costs,

(1) for a first offence, to a fine of not less than 100 dollars nor more than 1 000 dollars in the case of a natural person and, in the case of a legal person, to a fine of not less than 300 dollars nor more than 3 000 dollars;

(2) for a subsequent offence within five years, to a fine of not less than 200 dollars nor more than 2 000 dollars in the case of a natural person and, in the case of a legal person, to a fine of not less than 600 dollars nor more than 6 000 dollars.

Offences

“138f. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent an operation related to the vote, or alters or attempts to alter the results of the election, is guilty of an offence.

Offences

“138g. Every person who

(1) being a candidate or later becoming a candidate, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate,

is guilty of an offence.

Presumption

Every gift made or promised during an election period by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.

Exceptions

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election,

(2) to a person other than an official agent who, at his own expense, provides food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election, or

(3) to a person accepting any of the food or beverages mentioned in subparagraph 1 or 2 of this paragraph.

Offences

“138h. Every person who votes or attempts to vote by falsely assuming the name and quality of an elector or by borrowing the name of a fictitious or deceased person, is guilty of an offence.

Penalties

“138i. Every person who is guilty of an offence contemplated in sections 138f to 138h is liable to a fine of not less than 100 dollars nor more than 1 000 dollars and to imprisonment for not less than one month and not more than twelve months.

Assistance
in committing
offence

“138j. Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself guilty of the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.”

1929, c. 95,
s. 139,
replaced

81. Section 139 of the said charter is replaced by the following sections:

Corrupt
practices

“139. Every offence mentioned in paragraph 4 of section 138, in paragraph 1 of section 138a, in paragraphs 1 and 2 of section 138b, in paragraph 2 of section 138c and in sections 138f to 138h is a corrupt electoral practice.

Loss of
rights

“139a. Every person who is found guilty of an offence that is a corrupt electoral practice loses, for a period of five years from the date of the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by a resolution of the municipal council.

Nullity of
election

Furthermore, where the person found guilty of an offence contemplated in section 138f or 138g is a member of the municipal council, his election is void.

Competent
court

“139b. Proceedings pursuant to sections 138 and 139 are instituted before the Municipal Court.”

1929, c. 95,
s. 140,
replaced

82. Section 140 of the said charter, replaced by section 41 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Contesta-
tion of elec-
tion

“140. Any person qualified to vote at the election of the mayor or a councillor may contest the election of a person as mayor or councillor, at whose election he was entitled to vote, and pray for the annulment of the election and for a judgment declaring the plaintiff or any other person duly elected, upon all or any of the following grounds:

- (1) that the essential formalities were not observed at the election,
- (2) that the person declared elected did not receive the majority of legal votes at such election,
- (3) that he was not qualified to be elected as mayor or councillor, as the case may be, or

(4) that he was guilty of corrupt practices prohibited by this charter, either personally, or by an agent, with or without his authority, knowledge or sanction.

Competent
court

The hearing and decision of such contestation, in term or in vacation, shall be had exclusively before the Provincial Court, in the district of Québec."

1929, c. 95,
s. 141,
replaced

83. Section 141 of the said charter, amended by section 41 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

Procedure

"141. The election of a mayor or of a councillor may be contested only by following the procedure prescribed in sections 140 to 142.

Prohibited
recourses

No recourse resulting from articles 838 to 843 of the Code of Civil Procedure may be exercised against the person occupying the office of mayor or of councillor during the period for contestation proceedings provided in section 142 nor while a suit for contestation of the election which raises the absence of qualification of such mayor or such councillor is pending, nor after a judgment has been rendered on the merits of such contestation."

1929, c. 95,
s. 142,
replaced

84. Section 142 of the said charter, replaced by section 42 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

Institution
of suit

"142. (1) The contestation shall be instituted by an ordinary suit, which shall be served upon the person whose election is being contested within thirty days after the proclamation of the election of such person, under penalty of forfeiture.

Required
deposit

(2) The writ of summons shall not be issued until there has been deposited in the hands of the clerk of the court, at the same time as the application for the writ, a sum of five hundred dollars for the costs.

Increase of
deposit

(3) During the suit, the court may, of its own accord or upon a motion to that effect, order that the deposit be increased, at its discretion.

Applicable
rules

(4) The action shall be returned within six days of service, and the proceedings thereafter shall be subject to the rules and time limits of summary actions.

Plaintiff's
statements

(5) The plaintiff, in his action, shall state the date, the place and circumstances of any act, matter or thing which may justify the conclusions. He may also indicate therein who are entitled to the office in question, stating the facts of a nature to establish such right, and ask that they be declared elected, but, in such case, the person whose election is contested, may allege and prove that certain votes given to the other candidate were not legal.

Defendant's failure to plead (6) If the defendant fails to plead within the time limits prescribed in the Code of Civil Procedure, all the allegations of the declaration shall be considered as denied by the defendant.

Proof and hearing date (7) Notwithstanding the provisions of the Code of Civil Procedure respecting inscription for proof and hearing, the date and place for the same shall be fixed by the judge, on motion of either party, notice whereof must be given to the adverse party at least one clear day before that of its presentation.

Powers of court (8) If, upon the issues, it be necessary to count, or to examine, or to deal otherwise with the ballot-papers used at the election, or to examine or deal otherwise with the poll-books or other documents connected therewith, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court or judge shall, for such purposes or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar matters by the Election Act (1984, chapter 51).

Disallowed allegations (9) When any election is contested under this charter, and the seat is not claimed for any candidate, in the action, no recriminatory allegation or evidence shall be allowed on behalf of the defendant.

Interlocutory judgments (10) Notwithstanding article 29 of the Code of Civil Procedure, interlocutory judgments rendered during a suit in contestation of election under this charter, shall not be subject to appeal; any party may, however, take exception to such judgments, which may then be revised at the same time as the final judgment, if the latter is taken to appeal.

Indictable offence (11) When the contestation is based exclusively on the ground that the defendant has been convicted of an indictable offence, it may be instituted by motion and the foregoing provisions shall not apply.

Nullity of election of majority of council members (12) When the judgment of the Provincial Court annuls the election of the majority of the members of a council without declaring other persons duly elected in sufficient number to enable the council to sit validly, the municipality shall be subject to the control of the Commission municipale du Québec until the judgment of the Court of Appeal is rendered, if it reverses the judgment in first instance, or until the coming into office of the persons who replace them if the judgment is maintained, if there has been no appeal or if the appeal has not been continued; the provisions of Division VIII of the Act respecting the Commission municipale (R.S.Q., chapter C-35) applicable to municipalities shall then apply *mutatis mutandis* to the city."

1929, c. 95,
s. 143,
replaced

85. Section 143 of the said charter, amended by section 43 of chapter 60 of the statutes of 1950-51, is replaced by the following sections:

Judge's decision

"143. The judge shall decide whether

(1) the election is void;

(2) the candidate for the office of mayor or councillor whose election is contested was duly elected or declared elected; or

(3) another person was elected, indicating who that other person is.

Nullity of election

"143a. If the hearing establishes

(1) that a corrupt electoral practice was used by a candidate or, with his knowledge and consent, by another person, the candidate must be considered guilty of a corrupt electoral practice, and if he has been elected, his election is void, or

(2) that a corrupt electoral practice was used by the representative or official agent of a candidate, the election of that candidate is void.

Exception

The election of a candidate must not be declared void pursuant to subparagraph 2 of the first paragraph if it is established that the deed is of minor gravity and could not have affected the result of the election, and if the candidate, in good faith, took reasonable precautions to carry on an honest campaign for election.

Subtraction of votes

"143b. If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 138f or 138g, the court must subtract, from the number of votes which appear to have been given in favour of that candidate, one vote for each person who voted at the election and in respect of whom, according to the evidence, that candidate is guilty of that offence.

Offence other than corrupt practice

"143c. The election of a candidate shall not be declared void by reason of an offence, that does not constitute a corrupt electoral practice, if the judge comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

Disqualification

"143d. Every person found guilty of a corrupt electoral practice under this section is disqualified under section 139a."

1929, c. 95,
s. 144,
replaced

86. Section 144 of the said charter, replaced by section 44 of chapter 60 of the statutes of 1950-51, is replaced by the following sections:

Appeal

"144. An appeal from the final judgment shall lie to the Court of Appeal.

Indictable
offence

When the judgment is based on the ground that the defendant has been convicted of an indictable offence, it shall be executory immediately and notwithstanding appeal. Nevertheless, the office shall be deemed vacant only from the day on which the judgment has become final, unless it becomes vacant earlier for any other cause contemplated by the charter; but the defendant shall not be entitled, in the meantime, to the indemnities, allowances, salaries or remunerations related to such office.

Time limit

“144a. Such appeal must be taken within fifteen days from the date of the judgment, and shall be heard, with priority over other appeals, at the first sitting of the court after the inscription in appeal.

Judgment
final

“144b. The judgment of the Court of Appeal shall be final.

Service

“144c. The plaintiff shall cause the judgment upon the action to be served upon the city, by leaving an authentic copy thereof with the clerk.

Deemed
vacancy of
office

“144d. If, by such judgment, the election of the defendant be set aside and some other candidate declared duly elected, the latter shall be recognized by the council; but if such judgment merely annuls the election without granting the office to another person, the defendant's seat shall be deemed to be vacant from the service of the judgment upon the clerk.

Interest of
Attorney
General

“144e. The Attorney General has and always has had a sufficient interest to exercise against any person holding the office of mayor or councillor any recourse arising out of articles 838 to 843 of the Code of Civil Procedure; when he exercises such a recourse, section 141 does not apply.”

1929, c. 95,
s. 145,
repealed

87. Section 145 of the said charter is repealed.

1929, c. 95,
ss. 146a-146g,
added

88. The said charter is amended by adding, after section 146, the following section and sections:

“SECTION XV-A

“ELECTION OFFICERS

Election
officers

“146a. The district director and his assistant or assistants, the enumerator, the revisor and the polling officers are election officers.

Oath

Before taking office, the district director shall make, before the returning officer, the oath prescribed by the latter and the other election officers shall make that oath before the district director then under oath.

Directives **Election officers must comply with the directives of the returning officer.**

**Disqualifica-
tion** **“146b.** No elector convicted of a corrupt electoral practice may become an election officer for five years following the day he was released from a house of detention or, where there is no imprisonment, the date of his conviction.

**Partisan
work** **“146c.** From the time he is sworn in, no election officer may engage in partisan work.

**Administra-
tion of
oaths** **“146d.** In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this charter, and they must do so gratuitously.

Dismissal **“146e.** The returning officer may dismiss any election officer.

**Replace-
ment** **“146f.** If an election officer ceases to perform his duties of office, he shall be replaced, if practicable, in the same manner as he was appointed.

**Returning
of docu-
ments** **“146g.** An election officer who no longer holds office must return all the official documents in his possession to the returning officer in the case of the district director or any of his assistants, or to the district director in the case of another officer.”

**c. A-2.1,
Schedule A,
am.** **89.** Schedule A to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing the reference to the “Charter of the City of Québec” by the following:

“Charter of the City Sections 40 to 44”.
of Québec
(1929, chapter 95)

**1929, c. 95,
Schedules,
replaced** **90.** Schedules A, A-1, A-2, A-3, B, C, D, G, H-1 and J of the said charter are replaced by Schedules A, A-1, A-2, A-3, B, C-1, C-2, D, G, H-1, H-2 and J scheduled to this Act.

**Coming into
force** **91.** This Act comes into force on the day of its sanction.

SCHEDULE A

(Section 19)

Oath of office of the mayor and councillors

I,, elected mayor
(*or* councillor of the district of.....) of the city of Québec, swear
(*or* solemnly affirm) that I will fulfil the duties of such office faithfully
and to the best of my judgment and ability.

So help me God.
(*for the oath only*)

SCHEDULE A-1

(Section 65)

*Notice respecting the nomination of candidates
and the date of the poll*

I give notice to the electors of the city of Québec that the nomination of candidates for the office of mayor and councillors in each of the electoral districts of the city of Québec

(indicate the number)

will be held at the city hall of Québec, 2 des Jardins Street, on, from twelve o'clock noon to two o'clock in the afternoon. If a poll becomes necessary, it will be held on, from ten o'clock in the morning to eight o'clock in the evening in each of the polling subdivisions.

Québec, this day of 19....

.....
Returning Officer

SCHEDULE A-2

(Section 65)

MUNICIPAL ELECTION OF
(date)

*Nomination-paper for the
office of mayor*

We, the undersigned, duly qualified municipal electors of the city
of Québec, hereby nominate Mr
(Surname and given names)

.....
(occupation)

as candidate of ☐
(name of authorized party)

☐ independent

for the office of mayor of the city of Québec.

Québec,19....

	Name	Address on the list of electors	Electoral qualification under section 35 of the Charter	Number of the polling subdivision of the elector	Consecutive number of the elector
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

NOTE: *The number of the polling subdivision and the consecutive number entered after the name of the elector on the list of electors must be given for at least six of the signatories.*

I, the undersigned,
(name, occupation, domicile)
swear (*or* solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper,
- (2) I know at least six signatories of this nomination-paper, and
- (3) these six persons have signed this nomination-paper in my presence.

Signed.

.....
Candidate

Sworn (*or* solemnly affirmed) before me at Québec, this

..... 19....

.....
Returning Officer

Consent of the candidate

I, the undersigned,

(name)

being the candidate nominated in this nomination-paper, consent to the said nomination.

Signed, at Québec, this 19....

.....

Candidate

Candidate's solemn affirmation

I, the undersigned,
(name, occupation and address)

swear (or solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper, and
- (2) I have the qualifications required by section 18 of the Charter of the city.

Signed.

.....
Candidate

Sworn (or solemnly affirmed) before me at Québec, this

..... 19.....

.....
Returning Officer

*Solemn affirmation on behalf
of the candidate*

(This form shall be used whenever a person other than the candidate makes the affirmation.)

I, the undersigned,
 (name, occupation and domicile)
 swear (or solemnly affirm) for and on behalf of.....,
 (name of the candidate)
 candidate nominated in this nomination-paper, that he has the qualifica-
 tions required by section 18 of the Charter of the city.

Signed.

(Person making the affirmation)

Sworn (*or* solemnly affirmed) before me at Québec, this

..... 19....

Returning Officer

Certificate of the city treasurer

I, the undersigned, treasurer of the city of Québec, certify that
.....
(*name of the candidate*)
is not indebted to the city of Québec for any assessments, taxes or dues
or other consideration whatsoever.

Signed at Québec, this 19....

.....
City Treasurer

*Acceptance of nomination-paper
by the returning officer*

I, the undersigned, returning officer, declare that I consider this nomination-paper to be valid.

Signed at Québec, this 19....

.....
Returning Officer

*Rejection of nomination-paper by
the returning officer*

I, the undersigned, returning officer, declare that I reject this nomination-paper, for the following reasons:

.....
.....
.....
.....

Signed at Québec, this19....

.....
Returning Officer

REVERSE OF SCHEDULE A-2

CITY OF QUÉBEC

OFFICE OF THE RETURNING OFFICER

MUNICIPAL ELECTION OF
(date)

*Nomination-paper
of a candidate
for the office of mayor*

.....
(name of the candidate)

Candidate of ☐
(name of authorized party)

☐ independent

CANDIDATE FOR THE OFFICE OF MAYOR

*Attestation
of the official representative of the party*

I, the undersigned,
(name, occupation and domicile)

....., swear (or solemnly affirm) that:

(1) I am the official representative of.....
(name of the party)
 authorized political party, and that

[illegible]

Signed at Québec, this19...

Official representative of the party

Sworn (or solemnly affirmed) before me at Québec, this
 19....

Person authorized to receive the oath

in his capacity as:

NOTE: *This attestation of the official representative of an authorized political party must be filed at the same time as the nomination paper of the official candidate of an authorized party for the office concerned.*

SCHEDULE A-3

(Section 65)

MUNICIPAL ELECTION OF
(date)

*Nomination-paper for the office
of councillor*

We, the undersigned, duly qualified municipal electors of the city
of Québec, hereby nominate

.....
(surname and given names)

.....
(occupation)

as candidate of ☐
(name of authorized party)

☐ independent

for the office of councillor for the electoral district of
of the city of Québec.

Québec,19....

	Name	Address on the list of electors	Electoral qualification under section 35 of the Charter	Number of the polling subdivision of the elector	Consecutive number of the elector
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

NOTE: *The number of the polling subdivision and the consecutive number entered after the name of the elector on the list of electors must be given for at least six of the signatories.*

I, the undersigned,
(name, occupation and domicile)
swear (*or* solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper,
- (2) I know at least six of the signatories of this nomination-paper, and
- (3) these six persons have signed this nomination-paper in my presence.

Signed.

.....
(Candidate)

Sworn (*or* solemnly affirmed) before me at Québec, this

..... 19....

.....
Returning Officer

Consent of the candidate

I, the undersigned,

(name)

being the candidate nominated in this nomination-paper, consent to the said nomination.

Signed at Québec, this19....

.....

Candidate

Candidate's solemn affirmation

I, the undersigned,
(*name, occupation and address*)
swear (*or* solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper, and
- (2) I have the qualifications required by section 18 of the Charter of the city.

Signed.

.....
Candidate

Sworn (*or* solemnly affirmed) before me at Québec, this

..... 19....

.....
Returning Officer

*Solemn affirmation on behalf
of the candidate*

(This form shall be used whenever a person other than the candidate makes the affirmation.)

I, the undersigned,
 (name, occupation and domicile)
swear (*or* solemnly affirm) for and on behalf of,
 (name of the candidate)
candidate nominated in this nomination-paper, that he has the quali-
fications required by section 18 of the Charter of the city.

Signed.

(Person making the affirmation)

Sworn (or solemnly affirmed) before me at Québec, this

19....

Returning Officer

Certificate of the city treasurer

I, the undersigned, treasurer of the city of Québec, certify, that
.....
(name of the candidate)
is not indebted to the city of Québec for any assessments, taxes or dues
or any other considerations whatsoever.

Signed at Québec, this19....

.....
City Treasurer

*Acceptance of nomination-paper by
the returning officer*

I, the undersigned, returning officer, declare that I consider this nomination-paper to be valid.

Signed at Québec, this19....

.....

Returning Officer

*Rejection of nomination-paper
by the returning officer*

I, the undersigned, returning officer, declare that I reject this nomination-paper, for the following reasons:

.....
.....
.....
.....

Signed at Québec, this19....

.....
Returning Officer

REVERSE OF SCHEDULE A-3

CITY OF QUÉBEC

OFFICE OF THE RETURNING OFFICER

MUNICIPAL ELECTION OF
(date)

*Nomination-paper of a candidate
for the office of councillor*

.....
(name of the candidate)

Candidate of ☐
(name of authorized party)

☐ independent

Electoral district of

.....

CANDIDATE FOR THE OFFICE OF COUNCILLOR

*Attestation
of the official representative of the party*

I, the undersigned,
 (name, occupation and domicile)
, swear (or solemnly affirm) that:

(1) I am the official representative of _____,
(name of the party)
authorized political party, and that

(2)
 (name of the candidate)
is the official candidate of the party for the office of councillor for
the electoral district of of the city of
Québec for the municipal election of.....
(date)

Signed at Québec, this19....

Official representative of the party

Sworn (or solemnly affirmed) before me at Québec, this

..... 19.....

Person authorized to receive the oath in his
capacity as:

NOTE: *This attestation of the official representative of an authorized political party must be filed at the same time as the nomination-paper of the official candidate of an official party for the office concerned.*

SCHEDULE B

(Section 77)

Poll book

Number of voters	Names of voters	Occupation	Residence	Objections	Oath or affirmation	Oath or affirmation refused	Votes given		Electors voting after others have voted in their name	Ballot- papers prepared with assistance of the deputy returning- officer or an elector
							Mayor	Councillor		

SCHEDULE C-1

(Section 82)

Oath of the deputy returning-officer

I, the undersigned,
(name, occupation and domicile)
 swear (or solemnly affirm) that I will faithfully and impartially, to the
 best of my ability, fulfil the duties of deputy returning-officer for pol-
 ling station No, at the election which is to be held on
 19....

So help me God.
(for the oath only)

Signed.

Deputy returning-officer for polling

station No

Initials of the deputy
returning-officer for polling
station No.

Sworn (or solemnly affirmed) before me at Québec, this

..... 19.....

District director

SCHEDULE C-2

(Section 83)

Oath of the poll clerk

I, the undersigned,
(name, occupation and domicile)
swear (or solemnly affirm) that I will faithfully and impartially, to the
best of my ability, fulfil the duties of poll-clerk at the election which
is to be held on 19....

So help me God.
(for the oath only)

Signed.

.....
Poll-clerk for polling

station No.

Initials of poll-clerk
for polling station

No.

Sworn (or solemnly affirmed) before me at Québec, this

..... 19....

.....
Deputy returning-officer for

polling station No.

SCHEDULE D

(Section 86a)

Ballot-paper

OBVERSE

Claude ÉMOND
political affiliation



Michèle FORTIN
political affiliation



Georges LEFAIBRE
independent



REVERSE

001

001

Deputy returning-
officer's
initials

City of Québec

Electoral district of

Councillor

} or Mayor

16 November 1981

Lucien Lamothe, Printer
117, rue Notre-Dame est
Montréal

SCHEDULE G

(Section 90)

*Oath of the agent
(or representative) of a candidate*

I, the undersigned,
(name, occupation and domicile)

swear (or solemnly affirm) that:

(1) I am the agent of (or the elector representing)

 (name of the candidate)

for polling station No.
for the electoral district of, and that

(2) I will keep secret the name of the candidate for whom any person has voted in my presence.

Signed.

Agent (or representing elector)

Sworn (or solemnly affirmed) before me at Québec, this

19....

Deputy returning-officer

SCHEDULE H-1

(Section 113)

*Oath of the person authorized
to collect (or receive) the ballot-boxes*

I, the undersigned,
(name, occupation and domicile)

swear (or solemnly affirm) that:

(1) I have been duly appointed by the returning officer to collect (or receive) the ballot-boxes,

(2) the ballot-boxes that I have received from the returning officer for polling station No. . . . at the election held on
(date)

(or collected) at
(place)

have been remitted to the returning officer in accordance with the received instructions,

(3) the ballot-boxes have not been opened by anyone whatsoever, and

(4) the ballot-boxes have been remitted in the same state as they were when they came into my possession.

Signed.

.....
*Person having received (or collected)
the ballot-boxes*

Sworn (or solemnly affirmed) before me at Québec, this

..... 19....

.....
Returning Officer

SCHEDULE H-2

(Section 130e)

*Oath of an elector wishing to
vote in the advance poll*

ELECTORAL DISTRICT OF

POLLING STATION NO

I, the undersigned,
(name and occupation)

domiciled at
swear (or solemnly affirm) that:

☐ I will be absent from the city on polling day.

(or)

☐ I will be unable to vote on polling day.

I, therefore, wish to vote in the advance poll.

Signed.

.....

Elector

Sworn (or solemnly affirmed) before me at Québec, this

..... 19.....

.....
Deputy returning-officer

SCHEDULE J

(Section 20)

*Notice of the date of an election
to fill a vacancy*

PUBLIC NOTICE is hereby given that an election will be held
on should it
(date)
become necessary under the law to fill the vacancy for the office of:

.....

.....

.....

.....

(list the offices that are vacant)

Québec, this day of 19....
(date)

Returning Officer