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**THE FINANCING  
OF MUNICIPAL POLITICAL PARTIES,  
INDEPENDENT CANDIDATES AND  
POLITICAL PARTY LEADERSHIP  
CAMPAIGNS**

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**AND THE CONTROL  
OF ELECTION EXPENSES**

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**EXTRACTS OF AN  
ACT RESPECTING ELECTIONS  
AND REFERENDUMS IN MUNICIPALITIES**

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LE DIRECTEUR GÉNÉRAL  
DES ÉLECTIONS DU QUÉBEC



## **FOREWORD**

This publication is an administrative codification which groups the provisions of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2) with regard to the financing of political parties, independent candidates and political party leadership campaigns and the control of election expenses. Where it is intended to interpret or to enforce the Act, the official wording published by the Quebec Official Publisher should be used.

Pierre Reid  
Chief Electoral Officer  
President of the “Commission de la représentation électorale”

Updated January 1, 2016



## **INFORMATION PERTAINING TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES**

The Act respecting elections and referendums in municipalities (1987, c. 57), approved June 23, 1987 and effective January 1, 1988, has been modified by the following acts:

1987, c. 100	1995, c. 23	2000, c. 54	2010, c. 32
1988, c. 19	1995, c. 42	2000, c. 56	2010, c. 35
1988, c. 21	1996, c. 2	2001, c. 25	2010, c. 36
1988, c. 64	1996, c. 73	2001, c. 26	2010, c. 42
1989, c. 1	1996, c. 77	2001, c. 68	2011, c. 5
1989, c. 56	1997, c. 8	2002, c. 6	2001, c. 11
1989, c. 54	1997, c. 34	2002, c. 37	2011, c. 21
1990, c. 20	1997, c. 43	2003, c. 19	2011, c. 27
1990, c. 4	1997, c. 93	2005, c. 28	2011, c. 38
1990, c. 85	1998, c. 31	2005, c. 34	2013, c. 3
1990, c. 47	1998, c. 52	2006, c. 22	2013, c. 7
1991, c. 32	1999, c. 15	2007, c. 29	2013, c. 16
1992, c. 21	1999, c. 25	2007, c. 33	2015, c. 6
1992, c. 61	1999, c. 40	2008, c. 18	2015, c. 15
1993, c. 65	1999, c. 43	2009, c. 11	
1994, c. 43	2000, c. 19	2009, c. 26	
1994, c. 23	2000, c. 29	2010, c. 27	



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## Chapter E-2.2

### AN ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

#### TITLE I MUNICIPAL ELECTIONS

##### CHAPTER I SCOPE

Scope. **1.** This Title applies to all municipalities except regional county municipalities, northern, Cree or Naskapi villages or any municipality whose council, according to the Act establishing or governing the municipality, is not composed of persons elected by its citizens.

1987, c. 57, s. 1; 1996, c. 2, s. 659.

##### CHAPTER V PARTIES TO AN ELECTION

##### DIVISION I ELECTORS

Qualification as elector. **47.** Every person of full age, being a Canadian citizen and being neither under curatorship nor under any voting disqualification pursuant to section 53, is an elector of a municipality upon fulfilling one of the following two conditions:

(1) the person has been domiciled in the territory of the municipality and, for at least six months, in Québec;

(2) the person has been, for at least 12 months, the owner of an immovable or the occupant of a business establishment, within the meaning of the Act respecting municipal taxation (chapter F-2.1), situated in the territory of the municipality.

1987, c. 57, s. 47; 1989, c. 54, s. 169; 1999, c. 25, s. 1; 1999, c. 40, s. 114.

Disqualification. **53.** A person is disqualified from voting in a municipal election if he is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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Duration. The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

1987, c. 57, s. 53; 1989, c. 1, s. 596; 1990, c. 4, s. 405; 2005, c. 28, s. 67.

### **DIVISION II CANDIDATES**

Failure to report. **64.** Any person holding the office of leader of a party or any independent candidate at a previous election whose financial report or return of election expenses required under any of sections 408, 419, 479, 484, 485 or 492 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

Defunct party. Where the party no longer exists or the office of leader is vacant, the person who is ineligible under the first paragraph is the last holder of the office of leader of the party.

“*leader*”. For the purposes of this section, the meaning of the word “leader” is the meaning given to that word in section 364.

1987, c. 57, s. 64; 2009, c. 11, s. 8.

Unpaid debts. **65.** Any independent candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 474 is ineligible for four years from his default.

Cessation of ineligibility. Notwithstanding the foregoing, the ineligibility affecting an elected independent candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.

1987, c. 57, s. 65.

### **DIVISION IV CHIEF ELECTORAL OFFICER**

Inquiries. **90.1.** The chief electoral officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV.

1999, c. 25, s. 11.

Frivolous request. **90.2.** The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

1999, c. 25, s. 11.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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Substantiated refusal. **90.3.** Where the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.

1999, c. 25, s. 11.

Powers and immunity. **90.4.** For his inquiries, the chief electoral officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Provisions applicable. Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.

1999, c. 25, s. 11.

Information. **90.6.** With respect to informing the public, the chief electoral officer may, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV;

(2) provide any person applying therefor with advice and information regarding the application of Chapter XIII;

(3) maintain an information centre on Chapter XIII;

(4) regularly hold information meetings and conferences for the benefit of the parties, the candidates, the municipalities and the public;

(5) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent;

(6) make any publicity he considers necessary.

2001, c. 25, s. 81.

### **CHAPTER VI ELECTION PROCEEDINGS**

#### **DIVISION III NOMINATION**

Nomination paper. **146.** Every eligible person may be nominated as a candidate for one office on the council of a municipality at a time, by filing a nomination paper with the returning officer.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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Double candidacies. Notwithstanding the foregoing, a municipality having a population of 100 000 or over may, by a by-law of its council, allow double candidacies in accordance with this paragraph; in such a case, the clerk shall transmit a certified copy of the by-law, as soon as possible after its coming into force, to the chief electoral officer. If such a by-law is in force 44 days before polling day, the candidate for the office of mayor of a party authorized under Chapter XIII may, jointly with another candidate of the party who is his co-candidate, also be a candidate for the office of councillor in an electoral district. A by-law passed under this paragraph ceases to be in force if it is repealed or if the population of the municipality falls below 100 000.

1987, c. 57, s. 146; 1990, c. 20, s. 1; 1997, c. 34, s. 22; 2001, c. 25, s. 84.

Authorized parties. **147.** In the case of a municipality to which Chapter XIII applies, candidates may be grouped into authorized parties in accordance with that chapter.

Recognized tickets. In the case of other municipalities, candidates may be grouped into tickets recognized by the returning officer.

1987, c. 57, s. 147.

Accompanying document. **162.1.** In the case of a municipality to which Chapter XIII applies, the nomination paper shall be accompanied with a document indicating the total amount of any publicity expense made by the candidate, through his or her official representative or the official representative referred to in the third paragraph, in relation to the election for which the candidate files a nomination paper. If the total amount is greater than \$1,000, a breakdown of the publicity expense must be made.

“publicity expense”. For the purposes of the first paragraph, “publicity expense” means any expense meeting all of the following conditions:

(1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period within the meaning of section 364 begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period within the meaning of that section begins;

(2) its object is any publicity relating to the election, whatever the medium used, other than an announcement of the holding of a meeting for the selection of a candidate, provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

Authorized party. Where the candidate is a member of an authorized party, was a member during the period mentioned in the second paragraph or is the candidate of such a party, the document must indicate the publicity expenses within the meaning of the second paragraph which the official representative of that party made in respect of the candidate, including the portion attributable to the official representative of joint publicity expenses made by the party.

Publicity expense. In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period.

Application. The chief electoral officer shall see that this section is carried out and, in that regard, may perform the same duties as those listed in section 368, if they are consistent with this section.

2001, c. 25, s. 86; 2002, c. 37, s. 157; 2005, c. 28, s. 78.

### CHAPTER XIII

#### AUTHORIZATION AND FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES, FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS AND CONTROL OF ELECTION EXPENSES

##### DIVISION I

###### DEFINITIONS AND APPLICATION

Interpretation. **364.** In this chapter,

*“election fund”*; **election fund**” means the sums made available to an official agent to cover election expenses;

*“election period”*; **“election period”** means the period beginning 44 days before polling day and ending on polling day at the time of closing of the polling stations;

*“electoral district”*; **“electoral district”** means, in addition to its ordinary meaning, a ward or, if none, the whole territory of the municipality if the municipality is not divided into electoral districts or if the divisions do not apply;

*“financial institution”*; **“financial institution”** means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (2000, chapter 29);

*“fiscal year”*; **“fiscal year”** means the calendar year;

“*leader*”;     **“leader”** means the person designated by the party to perform the duties of leader provided for in this chapter;

“*treasurer*”.     **“treasurer”** means the treasurer, the secretary-treasurer or the head of the finance department of the municipality.

“independent candidate”     In this chapter, the expression “independent candidate” includes any person who has indicated the intention to become an independent candidate.

1987, c. 57, s. 364; 1988, c. 64, s. 587; 1998, c. 31, s. 84; 1998, c. 52, s. 95; 2000, c. 29, s. 643; 2001, c. 25, s. 89; 2002, c. 37, s. 178; 2009, c. 11, s. 38.

Applicability of Div. II-IX.     **365.** Divisions II to IX apply to every municipality having a population of 5 000 or over.

Decrease in population.     Where Divisions II to IX have begun to apply to a municipality, they continue to apply even if its population falls below 5 000.

1987, c. 57, s. 365; 1998, c. 31, s. 85; 1999, c. 25, s. 34.

Minister’s order.     **366.** The minister of Municipal Affairs, Regions and Land Occupancy may, upon request, order that Divisions II to IX cease to apply to a municipality having a population of under 5 000, on the terms and conditions he determines and render them again applicable to it in the same manner.

Increase in population.     Divisions II to IX shall become again applicable to the municipality once its population again reaches 5 000.

Publication of notice.     The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to end the application of Divisions II to IX to a municipality or to render them again applicable to it. He shall transmit a copy of the notice to the chief electoral officer.

1987, c. 57, s. 366; 1998, c. 31, s. 86; 1999, c. 25, s. 35; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

### **DIVISION II**

#### **PERSONS ENTRUSTED WITH A FUNCTION RELATING TO THE FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND THE CONTROL OF ELECTION EXPENSES**

##### *§1.– Chief electoral officer*

Chief electoral officer.     **367.** The chief electoral officer shall see to the carrying out of this chapter.

Studies.     He may conduct studies on the financing of municipal political parties and independent candidates and their election expenses.

1987, c. 57, s. 367.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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- Duties. **368.** The chief electoral officer shall, in particular,
- (1) authorize parties and independent candidates;
  - (2) verify that the parties and candidates are complying with this chapter;
  - (3) give directives on the carrying out of this chapter;
  - (4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer;
  - (5) *(paragraph repealed)*.

The Chief Electoral Officer shall have access to all the books, accounts and documents relating to the financial business of the parties and candidates.

At the request of the Chief Electoral Officer, parties or candidates must furnish any information required for the purposes of this chapter within 30 days.

1987, c. 57, s. 368; 1999, c. 25, s. 36; 2009, c. 11, s. 39; 2010, c. 35, s. 19; 2011, c. 38, s. 36.

**375.** Under the authority of the Chief Electoral Officer, the returning officer and, during an election period, the assistant designated by the returning officer to receive nomination papers, may grant an authorization to an independent candidate who files an application for authorization in accordance with sections 400 and 400.1.

On granting an authorization, the returning officer or the assistant shall inform the Chief Electoral Officer.

1987, c. 57, s. 375; 1999, c. 25, s. 38; 2001, c. 25, s. 91; 2002, c. 37, s. 179; 2009, c. 11, s. 40.

### §2.– *Treasurer*

- Treasurer. **376.** For the purposes of the carrying out of this chapter, the treasurer is under the authority of the chief electoral officer.
- 1987, c. 57, s. 376.
- Remuneration. **377.** The treasurer is entitled to receive a remuneration or an expense allowance from the municipality for the functions he performs.
- Tariff. The council of the municipality may establish a remuneration or allowance tariff; the council may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance that is lower than that fixed by the tariff established by the Minister of Municipal Affairs, Regions and Land Occupancy under Title III shall be submitted for approval to the Minister.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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- Minister's tariff. The treasurer of a municipality that has not established a tariff is entitled to the remuneration or allowance fixed by the tariff established by the Minister.  
1987, c. 57, s. 377; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.  
§3.– *Leader of the party*
- Party leader. **378.** Every party seeking or holding an authorization must have a leader. The leader must be an elector of the municipality in whose territory the party intends to carry on its activities.  
1987, c. 57, s. 378; 2005, c. 28, s. 88.
- Vacancy. **379.** If the office of leader of an authorized party becomes vacant, the party must, within 30 days, appoint an interim leader and notify the Chief Electoral Officer of the appointment.  
1987, c. 57, s. 379; 2011, c. 38, s. 37.  
§4.– *Official representative and official agent*
- Official representative. **380.** Every party or independent candidate seeking or holding an authorization must have an official representative.
- Delegate. An authorized party may also have a delegate of its official representative for each electoral district. For the purposes of the designation of the delegate, the municipal by-laws or the decision of the Commission de la représentation establishing the electoral districts may be taken into account upon coming into force.  
1987, c. 57, s. 380.
- Official agent. **381.** Every authorized party must have an official agent and it may also have deputy official agents.
- Official agent. Every independent candidate must have an official agent.  
1987, c. 57, s. 381.
- Plurality. **382.** The official representative and the official agent of a party shall be the same person unless the leader decides otherwise.
- Vacancy. Where the offices of official representative and official agent are not held by the same person or where the office of official agent is vacant, the holder of the office of official representative is deemed to hold the office of official agent until the vacancy is filled.
- Plurality. The official representative and the official agent of an authorized independent candidate shall be the same person.  
1987, c. 57, s. 382.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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- Disqualification. **383.** In no case may an official representative, his delegate, an official agent or his deputy be a person who
- (1) is not an elector of the municipality;
  - (2) is a candidate for the office of member of the council of the municipality, except an authorized independent candidate who designates himself as official agent and representative;
  - (3) is the leader of a party carrying on its activities in the territory of the municipality;
  - (4) is an election officer of the municipality or an employee of such an election officer;
  - (5) is an officer or employee of the municipality or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;
  - (6) is the chief electoral officer or a member of his personnel;
  - (7) is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).
- Duration. Disqualification under subparagraph 7 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.  
1987, c. 57, s. 383; 1989, c. 1, s. 600; 1990, c. 4, s. 408; 2002, c. 37, s. 180; 2005, c. 28, s. 89.
- Designation. **384.** The leader of a party shall designate, in writing, the official representative of the party and, where such is the case, his delegate or delegates and the official agent of the party.
- Designation. An independent candidate shall designate his official representative and official agent in his application for an authorization under section 400.1 or in the writing he files with his nomination paper.
- Consent. The writing must include the designated person's consent and be countersigned by him.  
1987, c. 57, s. 384; 2001, c. 25, s. 92.
- Deputies. **385.** The official agent of an authorized party may, with the approval of the leader of the party, appoint a sufficient number of deputies and authorize each of them to incur or authorize election expenses up to the amount fixed by him in each deed of appointment. The deed of appointment shall include the consent of the deputy and be countersigned by him.

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Amount of expenses. The amount fixed in the deed of appointment may, before the filing of the return of election expenses, be changed in writing by the official agent. However, the official agent may not reduce the amount of expenses to less than the amount of election expenses already incurred or authorized according to law by the deputy.

1987, c. 57, s. 385.

Resignation. **386.** Any person referred to in this subdivision may resign by transmitting a writing to that effect, signed by him, to the person who appointed him.

Copy to chief electoral officer. He shall transmit a copy of the writing to the chief electoral officer.

1987, c. 57, s. 386.

Vacancy. **387.** Any vacancy in the office of official representative or official agent of an authorized party or of an independent candidate must be filled as soon as practicable.

Exception. Notwithstanding the foregoing, where the offices of official representative and official agent of the party are held by two persons, a vacancy in the office of official agent need not be filled if the leader of the party decides that both offices will in the future be held by the same person.

1987, c. 57, s. 387.

### *§5.– Auditor of the party*

Auditor. **388.** The leader of an authorized party shall, not later than 30 days after the day the authorization is granted, appoint an auditor from among the persons duly entitled to practise public auditing in Québec.

1987, c. 57, s. 388.

Disqualification. **389.** The following persons shall not act as auditor:

- (1) the chief electoral officer;
- (2) the officers or employees of the municipality or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;
- (3) members of the Parliament of Québec or of the Parliament of Canada;
- (4) the leader of the party or other executive officer of the party;
- (5) official agents or representatives of parties carrying on their activities in the territory of the municipality and those of independent candidates for office as a member of the council of the municipality;
- (6) candidates for office as member of the council of the municipality at the last general election, any subsequent by-election or the current election;

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(7) the auditor of the municipality;

(8) the election officers of the municipality;

(9) a person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Duration. Disqualification under subparagraph 9 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Associates. The associates and the employees of the persons contemplated in subparagraphs 1 to 8 of the first paragraph are also disqualified from holding office as auditor.

1987, c. 57, s. 389; 1989, c. 1, s. 601; 1990, c. 4, s. 405; 2002, c. 37, s. 181; 2005, c. 28, s. 90.

Resignation. **390.** The auditor may resign by transmitting a writing to that effect signed by him to the party leader.

Copy to chief electoral officer. He shall transmit a copy of that writing to the chief electoral officer.

1987, c. 57, s. 390.

Vacancy. **391.** Any vacancy in the office of auditor of an authorized party must be filled within 30 days after its occurrence.

1987, c. 57, s. 391; 2009, c. 11, s. 41.

### §6.– *Transmission of information*

Transmission of information. **392.** Every authorized party or party whose application for authorization is pending shall, within 30 days, notify the treasurer and the chief electoral officer in writing of every appointment made under any of subdivisions 3 to 5, whether as actual holder of the office or as interim, of any vacancy in the office of official agent and of the decision of the leader of the party not to fill the vacancy in the office of official agent.

Leader or official representative. The notice shall be given by the leader of the party, by the official representative or by any other person designated for that purpose by the leader of the party. If the notice cannot be given by one of those persons, it may be given by another officer.

Resolution. The notice of the appointment of the new leader of the party must be accompanied with a copy of the resolution to that effect passed in conformity with the by-laws of the party and certified by two or more officers of the party.

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Application for authorization. The application for authorization constitutes a notice to the chief electoral officer of the appointment of the initial holders of the offices of leader and official representative.

1987, c. 57, s. 392; 1999, c. 25, s. 40; 2009, c. 11, s. 42.

Transmission of information. **393.** Every independent candidate shall, within 30 days, notify the treasurer and the chief electoral officer in writing of the appointment of his official representative or official agent whether as first holder of the office or as interim and of any vacancy in that office.

Application for authorization. The writing accompanying the nomination paper and the application for authorization constitute a notice to the treasurer and chief electoral officer, respectively, of the appointment of the initial holders of the offices of official representative and official agent.

Notice to treasurer. The returning officer shall notify the treasurer of the appointment, as soon as practicable.

1987, c. 57, s. 393; 2009, c. 11, s. 43.

List of official agents. **394.** At the beginning of the election period, the treasurer shall post a list of the official agents of the parties, including any deputy official agents, and of the official agents of the independent candidates in the office of the municipality.

Updating. He shall keep the list up-to-date during that period.

1987, c. 57, s. 394; 2009, c. 11, s. 44.

### **DIVISION III**

#### **AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES**

##### *§1.– Authorization required*

Required authorization. **395.** Every party or independent candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the chief electoral officer in accordance with this division.

1987, c. 57, s. 395.

##### *§2.– Authorization of a party*

Written application. **397.** The leader of the party shall transmit to the chief electoral officer a written application for authorization containing the following information:

- (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;

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(3) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;

(4) the name, domiciliary address and telephone number of the leader of the party;

(4.1) the name, address and telephone number of two officers of the party other than the leader;

(5) the name, address and telephone number of the party's official representative and those of his delegates, if any;

(6) the name of the party's auditor, if any;

(7) the address of the permanent office of the party, if any;

(8) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates;

(9) the amount of the funds at the disposal of the party.

List of party members.

The application must be accompanied by a list including the names and addresses of party members who are electors of the municipality and who support the application; the minimum number of party members is set out in the third paragraph. The list must include the number and the expiry date of each person's membership card and contain each person's signature.

Minimum number.

The minimum number of party members who must be on the list is

(1) 100, in the case of a municipality with a population of 100,000 or more;

(2) 50, in the case of a municipality with a population of 50,000 to 99,999; and

(3) 25, in the case of a municipality with a population of 5,000 to 49,999.

1987, c. 57, s. 397; 1999, c. 25, s. 42; 2005, c. 28, s. 92.

Granting of authorization.

**398.** The chief electoral officer shall grant the authorization to a party which applies therefore in accordance with this subdivision.

Misleading name.

The chief electoral officer shall refuse his authorization to a party if the name of the party includes the word "independent" or is likely to mislead the electors as to which party they are contributing to.

Validity of authorization.

The authorization is valid only in respect of the municipality mentioned in the application.

1987, c. 57, s. 398.

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- Change of name. **399.** An authorized party cannot change its name without the approval of the chief electoral officer who shall refuse to approve the proposed new name if it includes the word “independent” or is likely to mislead the electors as to which party they are contributing, or if the application for a change of name is made during the election period.
- Approval. The application for approval is made by means of a writing by the leader of the party.  
1987, c. 57, s. 399; 1999, c. 25, s. 43.
- Reservation of name. **399.1.** Before filing an application for authorization, the leader of a party may apply in writing to the chief electoral officer to have a name reserved for a period not exceeding six months. The application must specify the municipality in whose territory the party intends to carry on its activities and the council for which it intends to present candidates.
- Provisions applicable. The second and third paragraphs of section 398 apply to the reservation, with the necessary modifications.
- Another name. A party having reserved a name may, however, specify another name in its application for authorization.  
1999, c. 25, s. 44.
- 399.2.** An authorized party must at all times have a minimum number of members who are qualified electors and hold a valid membership card, which minimum number is set out in the third paragraph of section 397.  
2011, c. 5, s. 31.
- 399.3.** Not later than 1 April each year, the party must send to the Chief Electoral Officer a list showing the names and addresses of party members who meet the conditions set out in section 399.2, in at least the number set out in the third paragraph of section 397.
- The Chief Electoral Officer may take any necessary measures to verify the accuracy of the information provided under the first paragraph.  
2011, c. 5, s. 31.
- §3.– *Authorization of an independent candidate*
- Independent candidate. **400.** The chief electoral officer shall grant an authorization to an independent candidate who applies therefore in writing and furnishes the following information:
- (1) his name, the address of his domicile and his telephone number;
  - (2) the name of the municipality for whose council he is a candidate;

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(3) the address to which communications intended for him must be sent;

(4) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept;

(5) the name, address and telephone number of his official representative, unless the candidate designates himself as his official agent and representative, in which case that fact must be indicated.

During the period for filing nomination papers, the application for authorization may be filed at the same time as a nomination paper.

Validity of authorization. The authorization is valid only in respect of the municipality mentioned in the application.

1987, c. 57, s. 400; 2005, c. 28, s. 93; 2009, c. 11, s. 45.

General election. **400.1.** Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer as of 1 January of the year during which the election must be held.

By-election. Any elector who undertakes to run as an independent candidate in a by-election may file an application for authorization with the chief electoral officer as of the date on which the office becomes vacant.

Application. The application for authorization must contain the information referred to in section 400 as well as the signatures and addresses of the number of electors of the municipality referred to in section 160 who declare that they support the application.

2001, c. 25, s. 93; 2001, c. 68, s. 58.

Contributions. **401.** The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

Payment of debts. After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses and to dispose, for political, religious, scientific or charitable purposes or for other purposes listed in section 498, of the funds or goods he obtained as a candidate and which remain in his possession.

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Payment of debts. Where a candidate withdraws or is declared elected before the end of the polling period, his authorization entitles his official representative, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election and to dispose, for the purposes mentioned in the second paragraph, of the funds or goods he obtained as a candidate and which remain in his possession.

1987, c. 57, s. 401.

Expiry of authorization. **402.** The authorization granted to an independent candidate expires on 31 December of the calendar year following the year of the election unless it is withdrawn before then.

Expiry of authorization. The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date the financial report establishing that all the debts have been discharged is filed.

1987, c. 57, s. 402.

### §4.– *Withdrawal of authorization*

Withdrawal of authorization. **403.** The chief electoral officer may, upon the written application of the leader, withdraw the authorization of a party. He may, upon the written application of an independent candidate, withdraw the candidate's authorization.

Certified copy. In the case of a party, the application must be accompanied with a copy of the resolution to that effect passed in conformity with the by-laws of the party and certified by two or more officers of the party.

Outstanding debts. Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of an independent candidate who has not paid all the debts arising from his election expenses.

1987, c. 57, s. 403; 1999, c. 25, s. 45; 2002, c. 37, s. 182.

Withdrawal of authorization. **404.** The chief electoral officer may withdraw the authorization of a party or independent candidate which or who fails to make an appointment required under subdivisions 3 to 5 of Division II, to furnish the information required for the purposes of the updating of the register as provided in section 424 or to give the Chief Electoral Officer access to all the books, accounts and documents relating to the party's or candidate's financial business, which or who contravenes Division IV or V, or whose official representative contravenes Division VI. In addition, the Chief Electoral Officer must withdraw the authorization of a party which does not comply with section 399.2 and may withdraw the authorization of a party which does not provide the information required under section 399.3.

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- Presumption. For the purposes of the first paragraph, the failure or contravention of a mandatary is deemed to be a failure or contravention of the party or of the candidate.  
1987, c. 57, s. 404; 2009, c. 11, s. 46; 2011, c. 5, s. 32.
- Misleading name. **405.** The chief electoral officer shall withdraw the authorization of a party which changes its name if the new name includes the word “independent” or is likely to mislead the electors as to which party they are contributing, or the authorization of a party which changes its name during the election period.  
1987, c. 57, s. 405; 1999, c. 25, s. 46.
- Death. **407.** The chief electoral officer shall withdraw the authorization of an independent candidate who dies.
- Party membership. The chief electoral officer shall also withdraw the authorization of an independent candidate who joins a party.
- Failure to file nomination papers. The chief electoral officer shall in addition withdraw the authorization of a person who has undertaken to run as an independent candidate but has not filed nomination papers on the expiry of the time prescribed to do so.  
1987, c. 57, s. 407; 2001, c. 25, s. 94.
- Party assets. **408.** The funds and assets of a party whose authorization has been withdrawn shall be remitted to the chief electoral officer by the persons holding them not later than ten days after they have been notified of the withdrawal.
- Required documents. The party shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,  
  - (1) a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization, unless it has already been transmitted with the application for withdrawal;
  - (2) the preceding financial report, where it has not been filed with the treasurer, and the auditor’s report pertaining to it, unless they have already been filed with the application for withdrawal;
  - (3) a list of its creditors including their names, addresses and the amounts due to each.
- Additional information. In addition, the party shall also, at the request of the chief electoral officer, remit to him any book, account or document relating to its financial business.  
1987, c. 57, s. 408; 2008, c. 18, s. 73.

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- Liquidation of assets. **409.** The chief electoral officer shall liquidate the assets of the party.
- Payment of debts. He shall pay the debts of the party out of the sums remitted to him and the proceeds of the liquidation of its assets. However, if the party's liabilities exceed the assets, the chief electoral officer shall pay the respective creditors on a *pro rata* basis.
- 1987, c. 57, s. 409; 2002, c. 37, s. 183.
- Balance. **410.** After payment of the debts, the balance shall be remitted to the treasurer to be deposited into the general fund of the municipality.
- 1987, c. 57, s. 410.
- Powers of chief electoral officer. **411.** For the purposes of the liquidation of the assets of the party, the chief electoral officer may open accounts in financial institutions having offices in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.
- 1987, c. 57, s. 411.
- Transitional rules. **412.** Where the authorization of the party is withdrawn during the election period, the chief electoral officer may prescribe changes to be made to the rules provided in this chapter to ensure the transition from the status of party candidate to that of authorized independent candidate.
- 1987, c. 57, s. 412.
- Independent candidate. **413.** Where the authorization of an independent candidate is withdrawn at his request, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after they have been notified of the withdrawal. In such case, the second paragraph of section 408 applies, except subparagraph 3, with the necessary modifications. The chief electoral officer shall liquidate the assets and remit to the treasurer the proceeds of the liquidation and the sums that were remitted to him. The treasurer shall deposit the proceeds and the sums into the general fund of the municipality.
- Applicable provisions. Where the authorization of an independent candidate is withdrawn otherwise than at his request, sections 408 to 411 apply, adapted as required. However, in the case referred to in the second paragraph of section 407, the chief electoral officer shall, after payment of the debts, pay the surplus to the party the candidate has joined.
- 1987, c. 57, s. 413; 2001, c. 25, s. 95; 2002, c. 37, s. 184.

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### §5.– *Merger of authorized parties*

Merger of parties. **414.** The merger of authorized parties requires the authorization of the chief electoral officer.

1987, c. 57, s. 414.

Application. **415.** The application for authorization shall be made by means of a joint application in writing of the leaders of the parties, containing the following information:

- (1) the proposed date of merger;
- (2) the name of the party resulting from the merger;
- (3) the address to which communications intended for the party must be sent;
- (4) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;
- (5) the name, domiciliary address and telephone number of the leader of the party;
  - (5.1) the name, address and telephone number of two officers of the party other than the leader;
- (6) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (7) the name of the auditor of the party, if any;
- (8) the address of the permanent office of the party, if any;
- (9) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

The application must be accompanied with the balance sheet of each of the applying parties as at the date of the application.

1987, c. 57, s. 415; 1999, c. 25, s. 48; 2002, c. 37, s. 185; 2009, c. 11, s. 47.

Financial documents. **416.** Each applying party shall, at the request of the chief electoral officer, remit to him any book, account or document relating to its financial business and have its balance sheet audited by an auditor.

1987, c. 57, s. 416; 2002, c. 37, s. 186; 2009, c. 11, s. 48.

Authorization to merge. **417.** The chief electoral officer shall grant the authorization to merge to the parties which apply therefore in accordance with this subdivision.

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Misleading name. The chief electoral officer shall refuse his authorization where the name of the party resulting from the merger includes the word “independent” or is likely to mislead the electors as to which party they are contributing.

Validity. The authorization is valid only in respect of the municipality mentioned in the application.

1987, c. 57, s. 417; 1999, c. 25, s. 49.

Date of merger. **418.** Subject to any provision of another Act governing the merger or dissolution of one of the applying parties, the merger takes effect on the day authorization is granted by the chief electoral officer or on any later date indicated in the application.

Succession. From the merger, the applying parties cease to exist and are replaced by the party resulting from the merger, which then succeeds to their rights and obligations.

1987, c. 57, s. 418.

Financial report. **419.** Within 60 days after the merger, a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the merger shall be transmitted in respect of each applying party to the chief electoral officer.

Auditor’s report. At the request of the chief electoral officer, the financial report shall be accompanied with a report of the auditor of the party.

1987, c. 57, s. 419.

Financial report. **420.** The official representative of the party resulting from the merger shall, not later than 1 April of the calendar year following that of the merger, file the financial report in accordance with Division VI for that part of the fiscal year that has lapsed since the merger.

Opening balance sheet. The financial report of the party shall be accompanied with an opening balance sheet at the date of the merger.

1987, c. 57, s. 420.

### §6.– *Miscellaneous provisions*

Accuracy of information. **421.** The chief electoral officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

1987, c. 57, s. 421.

Hearing. **422.** Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the party or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

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- Summons. Every summons is made by registered or certified mail or by any other means considered valid by the chief electoral officer.
- Exceptions. The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization, where the withdrawal of authorization is made at the request of the leader of the party the copy of the resolution of the party is attached to the application, or where the withdrawal of authorization is made at the request of the independent candidate.
- 1987, c. 57, s. 422; 1999, c. 25, s. 50; 2002, c. 37, s. 187.
- Publication of notice. **423.** As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall give notice of it on the Chief Electoral Officer's website.
- Official representative. The notice shall indicate the name of the official representative, and of his delegates, if any.
- Publication of notice. The Chief Electoral Officer shall also give notice, on the website, of any replacement of an official representative or delegate or of any change in the name of an authorized party.
- 1987, c. 57, s. 423; 2009, c. 11, s. 49.
- Register. **424.** The chief electoral officer shall keep, in respect of each municipality, a register of the parties and independent candidates he has authorized, setting out the following information:
- (1) the name of the party or of the independent candidate, the domiciliary address and telephone number of the leader of the party or independent candidate;
  - (1.1) the name, address and telephone number of at least two officers of the party other than the leader;
  - (2) the address to which communications intended for the party or independent candidate must be sent;
  - (3) the address where the books and accounts pertaining to the funds of the party or those obtained by the candidate in such capacity, the expenses it or he will incur and the loans it or he will contract are to be kept;
  - (4) the name, address and telephone number of the official representative and his delegate and of the official agent and his deputy;
  - (5) the name of the auditor of the party;
  - (6) the address of the permanent office of the party, if any.
- 1987, c. 57, s. 424; 1999, c. 25, s. 51.

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Transmission of information. **425.** Every authorized party or authorized independent candidate shall, within 30 days, furnish in writing to the chief electoral officer, in addition to the information required under sections 392 and 393, all other information required for updating the register.

Person authorized. Such information shall, in the case of a party, be furnished by the leader or official representative of the party or by any other person designated for that purpose by the leader and, in the case of an independent candidate, by the candidate or by his official representative.

Officer. In the case of a party, the information may be furnished by another officer if none of the persons referred to in the second paragraph is able to furnish it.

1987, c. 57, s. 425; 1999, c. 25, s. 52; 2009, c. 11, s. 50.

Transmission to treasurer. **426.** The chief electoral officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

1987, c. 57, s. 426.

### **DIVISION IV** **CONTRIBUTIONS, EXPENSES AND LOANS**

#### *§1.– Contributions*

Contributions. **427.** The following are contributions:

(1) any gift of money to a party or to a candidate;

(2) any service rendered or goods furnished to a party or to a candidate free of charge and for political purposes;

(3) any money, goods or services furnished by the candidate himself in view of his election, except a sum of money used for the payment of an expense referred to in section 454.

Discounts. Where goods or services are furnished for political purposes to a party or candidate at a price lower than their value, the difference constitutes a contribution.

Value of goods or services. For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the party or candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the party or candidate.

1987, c. 57, s. 427.

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Exclusions. **428.** The following are not contributions:

(1) the work performed by individuals, voluntarily and not for consideration and the fruit of that work;

(2) (*paragraph repealed*);

(3) an amount paid under any Act, including a reimbursement under subdivision 4 of Division V;

(4) a loan granted for political purposes, in accordance with subdivision 2, by an elector of the municipality or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;

(5) suretyship contracted by an elector of the municipality;

(6) an annual amount not in excess of \$25 paid by a natural person for membership in a party;

(7) at the option of the official representative, applied equally to all the participants, an entrance fee to a political activity or rally, where the fee is not over \$60 per day, up to one admission per person the total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;

(8) ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer's directives;

(9) the payment to the official representative of the party by a leadership candidate of the cost of goods and services furnished in accordance with section 461 referred to in section 499.11;

(10) remaining sums of money transferred in accordance with section 499.18.

1987, c. 57, s. 428; 1999, c. 25, s. 53; 2010, c. 32, s. 13; 2011, c. 38, s. 38.

Elector. **429.** Only an elector of the municipality may make a contribution.

Authorization. An elector may make a contribution only in favour of a party or independent candidate holding an authorization that is valid for the municipality.

1987, c. 57, s. 429.

**430.** Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.

1987, c. 57, s. 430; 2010, c. 32, s. 14.

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Maximum amount. **431.** Except for a contribution described in section 499.7, the total amount of contributions by the same elector for the same fiscal year shall not exceed \$300 to each of the authorized parties and independent candidates.

In addition to the contributions described in the first paragraph, a candidate of an authorized party or an authorized independent candidate may, during the fiscal year of the election, make contributions for the candidate's own benefit or that of the party for which the candidate is running, the total of which may not exceed \$700.

1987, c. 57, s. 431; 1999, c. 25, s. 54; 2011, c. 38, s. 39; 2013, c. 7, s. 1

Solicitation. **432.** No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

Certificate of capacity. Every person authorized to solicit contributions shall, on request, produce a certificate of his capacity signed by the official representative.

1987, c. 57, s. 432.

Restriction. **433.** A contribution shall be made to no one except the official representative of the authorized party or independent candidate for which or for whom it is intended, or the person designated in writing by the official representative.

1987, c. 57, s. 433.

Receipt. **434.** The person who receives the contribution shall issue a receipt to the contributor.

Remittance of contribution. He shall remit any contribution he receives to the official representative along with a duplicate of the receipt in the form prescribed by the Chief Electoral Officer.

The receipt must include the contributor's given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

1987, c. 57, s. 434; 2010, c. 32, s. 15.

Powers of delegate. **435.** A delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the official representative as person responsible for soliciting contributions, for designating persons to do the soliciting and for receiving contributions and duplicates of receipts of contributions.

Transmission to representative. Every delegate shall transmit every contribution and duplicate of the receipt received to the official representative.

1987, c. 57, s. 435.

- Cheque. **436.** Every contribution of money of \$100 or more must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized party or independent candidate.
- Credit card. Such a contribution may also be made, in accordance with the directives of the chief electoral officer, by means of a credit card or a transfer of funds to an account held by the official representative of the authorized party or independent candidate for which or whom the contribution is intended.  
1987, c. 57, s. 436; 2001, c. 25, s. 96; 2010, c. 35, s. 20.
- Deemed payment. **438.** On being cashed, a contribution is deemed paid by the person who made it and received by the party or the candidate for which or for whom it is intended.  
1987, c. 57, s. 438.
- Deposit of funds. **439.** The official representative shall deposit, in a Québec branch of a financial institution, the funds of the party or, as the case may be, those obtained by an independent candidate in such capacity.  
1987, c. 57, s. 439.
- 440.** Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor.
- Despite the first paragraph, if the contributor cannot be found or has been convicted of contravening any of sections 429 to 431 and 436, the contribution or the amount at which it is evaluated shall be remitted to the treasurer to be paid into the general fund of the municipality.
- However, a contribution or part of a contribution made contrary to this chapter need not be remitted to the contributor if five years have elapsed since the contribution was made.  
1987, c. 57, s. 440; 2009, c. 11, s. 51; 2010, c. 36, s. 7.
- 440.1.** An official representative of a party or an authorized independent candidate who, during political activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the official representative collected during that period must, within 30 days after the report is filed, remit to the treasurer an amount equal to the part of the amounts collected that exceeds that percentage.
- The treasurer shall pay the amount into the general fund of the municipality.  
2010, c. 32, s. 16.

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- Free time or space. **442.** Outside an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting a contribution, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to authorized political parties, provided he offers such service equitably as to quality and quantity to all the authorized parties in the municipality.
- Verification. The chief electoral officer shall verify the legality of services rendered under this section.
- Exclusion from contributions. Any time or space made available free of charge in accordance with section 464 is not a contribution.  
1987, c. 57, s. 442.  
*§2.– Expenses and loans*
- Incurring of expenses. **443.** Expenses other than election expenses of an authorized party or independent candidate may be incurred only by the official representative or by a person designated by him in writing for that purpose.
- Certificate of capacity. Every person authorized to incur such expenses shall, on request, produce a certificate of his capacity signed by the official representative.  
1987, c. 57, s. 443.
- Powers of delegate. **444.** A delegate of the official representative of an authorized party has, in the electoral district for which he is appointed, the same powers to incur expenses and to designate persons to incur expenses as the official representative.  
1987, c. 57, s. 444.
- Payment of accounts. **445.** The official representative of an authorized party or independent candidate shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.  
1987, c. 57, s. 445; 2002, c. 37, s. 188.
- Loans. **446.** Only the official representative of an authorized party or independent candidate may contract a loan for the party or candidate.  
1987, c. 57, s. 446.
- Written contract. **447.** Every loan shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest, which must take section 448 into account.

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Suretyship. Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.

1987, c. 57, s. 447.

Maximum amount. **447.1.** The total of the following amounts shall not, for a given elector, exceed \$10,000:

(1) the outstanding principal of any loan granted by the elector to one or more authorized parties or independent candidates; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized parties or independent candidates.

1998, c. 31, s. 87.

Payment of loan interest. **448.** The official representative must, at least once a year, pay the interest due on the loans he has contracted.

1987, c. 57, s. 448.

Repayment of loan. **449.** No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 457 or which has been used by the official representative or his delegate to pay election expenses pursuant to section 455.

1987, c. 57, s. 449.

### **DIVISION V ELECTION EXPENSES**

#### *§1.– Definitions*

*“candidate”.* **450.** For the purposes of this division, the word “candidate” includes any person who subsequently becomes a candidate or has indicated his intention to become a candidate.

*“election expense” and  
“official agent”.* In addition, for the purposes of sections 452, 459, 460, 461 and 463, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

1987, c. 57, s. 450; 1998, c. 52, s. 96.

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Election expenses. **451.** The cost of any goods or services used during an election period to

- (1) promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;
- (2) propagate or oppose the program or policies of a candidate or party;
- (3) approve or disapprove courses of action advocated or opposed by a candidate or party; or
- (4) approve or disapprove any act done or proposed by a party, a candidate or their supporters,

is an election expense.

1987, c. 57, s. 451.

Use before and during election period. **452.** Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

1987, c. 57, s. 452.

Exclusions. **453.** The following are not election expenses:

- (1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the election and that the circulation and frequency of publication are as what obtains outside the election period;

- (2) the cost of broadcasting by a radio or television station of a public affairs, news or public opinion program, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

- (3) The necessary costs of holding a convention for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the convention, but which cannot include the cost of any other form of publicity nor exceed \$2,250 in the case of a candidate for the office of mayor or \$750 in the case of a candidate for the office of councillor;

- (4) the transportation costs of any person other than a candidate, paid out of his own money, if the costs are not reimbursed to him;

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(4.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;

(5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(6) the reasonable ordinary costs incurred for the day-to-day operations of the permanent office of the party at the address entered, not less than three months before the publication of the notice of election, in the register of the chief electoral officer;

(7) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses;

(8) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party;

(9) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII.1, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots.

1987, c. 57, s. 453; 1998, c. 52, s. 97; 1999, c. 25, s. 55; 2002, c. 37, s. 189.

Personal expenses.

**454.** The reasonable costs incurred by a candidate for attending a convention to select a candidate, for his transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity other than the publicity made by the candidate at the convention.

1987, c. 57, s. 454.

### *§2.– Authorization of election expenses*

Authorization of expenses.

**455.** During the election period, no person other than the official agent of an authorized party or independent candidate or, for any amount up to the amount fixed by the official agent of the party pursuant to section 385, the deputy of the official agent, may incur or authorize election expenses, subject to section 456.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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- Presumption. All election expenses incurred or authorized by a deputy, up to the fixed amount, are deemed to have been incurred or authorized by the official agent.
- Deputy's account. Within 60 days after polling day, every deputy shall furnish to the official agent a detailed account of the election expenses he has incurred or authorized accompanied with the invoices, receipts and other vouchers.
- Expense contemplated in section 452. The official representative or his delegate may incur or authorize an election expense contemplated in section 452. Any such expense is deemed to have been incurred or authorized by the official agent.  
1987, c. 57, s. 455.
- Advertising agency. **456.** An official agent may authorize, in writing, an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. The amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce the amount below the amount of the election expenses already incurred or ordered according to law by the advertising agency.
- Account of expenses. The advertising agency shall furnish to the official agent, within 60 days after polling day, a detailed account of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors.  
1987, c. 57, s. 456.
- Election fund. **457.** In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.
- Presumption. Any election expense contemplated in section 452 and paid by the official representative or his delegate is deemed to have been paid out of an election fund.  
1987, c. 57, s. 457.
- Payment into election fund. **458.** No sums of money other than those collected in accordance with this chapter by the official representative for an authorized party or independent candidate may be paid by him into the election fund put at the disposal of the official agent or be used by the official representative or his delegate to pay any election expense contemplated in section 452.
- Deposit of sums. The official agent shall deposit the sums paid into the election fund put at his disposal in an account opened for that purpose at a Québec branch of a financial institution. In the case of an authorized party, the account shall be separate from that of the official representative.

## ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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- Account not required. It is not necessary to open such an account if the sums come exclusively from contributions made by an authorized independent candidate.  
1987, c. 57, s. 458; 2005, c. 28, s. 95.
- Use of goods and services. **459.** No goods or services all or part of the cost of which constitutes an election expense contemplated in section 452 may be used during an election period except by the official agent of the authorized independent candidate or of an authorized party or his deputy, or with his authorization.  
1987, c. 57, s. 459; 2001, c. 25, s. 97.
- Order for election expenses. **460.** No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case.  
1987, c. 57, s. 460.
- Price of goods and services. **461.** No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period nor may he refuse to be paid for them.
- Volunteer work. Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 428.  
1987, c. 57, s. 461.
- Eventual candidate. **462.** The official agent of an authorized party may, so long as no candidate of the party has filed his nomination paper for an office and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses to be attributed to the eventual candidate of the party for that office.
- Attribution of expenses. If the party presents no candidate for the office contemplated in the first paragraph, the election expenses are attributed to the candidate of the party for the office of mayor or, failing such a candidate, to each of its candidates for the office of councillor, in equal proportions.
- Attribution of expenses. Where the party presents no candidates, the election expenses shall be shown as expenses of the party in its financial report.  
1987, c. 57, s. 462; 1999, c. 25, s. 56.
- Advertising material. **463.** Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name and title of the official agent or deputy who caused it to be printed or manufactured.

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- Newspaper advertisement. Any advertisement relating to an election published in a newspaper or other publication must mention the name and title of the official agent or deputy who caused it to be published.
- Radio, television advertisement. In the case of an advertisement relating to an election broadcast on the radio or television or produced using any other medium or information technology, the name and title of the official agent or deputy, as the case may be, must be mentioned at the beginning or at the end of the advertisement.
- Any advertising copy, object or material, advertisement or publicity that relates to an election and is used jointly by authorized independent candidates must include the information required under the first three paragraphs and the name of each independent candidate in whose behalf the official agent is acting, with the words “independent candidate” next to it.
- Presumption. Any goods or services all or part of the cost of which constitutes an election expense shall be deemed to relate to an election.
- 1987, c. 57, s. 463; 1999, c. 40, s. 114; 2002, c. 37, s. 190; 2009, c. 11, s. 52.
- Requirements. **463.1.** Where, pursuant to section 450, a writing, object, material, advertisement or publicity referred to in section 463 must mention the name and title of the private intervenor referred to in Division VIII.1 or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 512.5.
- Cost exceeding \$300. Where the cost of the writing, object, material, advertisement or publicity referred to in section 463 exceeds \$300, only the name and title of the official agent or deputy official agent of the candidate or authorized party may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.
- 1998, c. 52, s. 98.
- Free time or space. **464.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the authorized parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office or to all the leaders of authorized parties in the municipality. For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.

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- Verification. The chief electoral officer shall verify the legality of services rendered under this section.  
1987, c. 57, s. 464; 1990, c. 20, s. 17.
- Maximum amounts. **465.** The amount of election expenses incurred by an authorized party or independent candidate during an election must not exceed,  
(1) for an election to the office of mayor or borough mayor, the amount of \$3,780, increased by  
(a) \$0.30 per person entered on the list of electors of the municipality up to 20,000 electors;  
(b) \$0.51 per person entered on that list above 20,000 but not above 100,000 electors;  
(c) \$0.38 per person entered on that list above 100,000 electors;  
(2) for an election to the office of councillor, the amount of \$1,890, increased by \$0.30 per person entered on the list of electors of the electoral district.  
For the purposes of an election to the office of borough mayor, the combined lists of electors of all the electoral districts in the borough concerned is considered to be the list of electors of the municipality.
- Number of persons. The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.
- Adjustment. The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*.  
1987, c. 57, s. 465; 1999, c. 43, s. 13; 2001, c. 25, s. 98; 2009, c. 11, s. 53; 2013, c. 7, s. 2.
- §3.– Payment of election expenses*
- Required invoice. **466.** Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.
- Itemized invoice. Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.  
1987, c. 57, s. 466; 2002, c. 37, s. 191.

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Presentation of claim. **467.** Every person to whom an amount is due for election expenses shall present his claim to the official agent within 60 days after polling day.

Vacancies. Where the offices of official agent and official representative are vacant the claim shall be presented within the same time to the leader of the party or to the independent candidate himself, as the case may be.

Expiry of time. No claim presented after the expiry of the prescribed time may be paid by the official agent or, as the case may be, by the leader of the party or the independent candidate. The claim shall in that case be presented to the treasurer within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

1987, c. 57, s. 467.

Payment by official agent. **468.** Before filing his return of election expenses, the official agent shall pay every claim received within 60 days after polling day, except any claim he contests.

1987, c. 57, s. 468.

Payment by treasurer. **469.** The treasurer shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 494 and according to the rules provided in sections 470 and 471 every claim received within 120 days after the expiry of the time prescribed for presenting claims to the official agent.

1987, c. 57, s. 469.

Payment in full. **470.** The treasurer shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the official agent.

Excess amount. Any excess amount shall be remitted by the treasurer to the official representative of the party or independent candidate after the expiry of 180 days after polling day.

1987, c. 57, s. 470.

Insufficient funds. **471.** Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the treasurer shall advise the official agent and forward the invoice to him as soon as practicable.

Contestation of claim. The official agent may in that case contest all or part of the claim.

Additional cheque. Where the official agent does not contest the claim, or contests it in part, the official representative shall, if necessary, forward to the treasurer an additional cheque made to his order to enable him to pay the claim or the uncontested part thereof.

Payment of claim. The treasurer shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the official agent or, where such is the case, after he receives the additional cheque.

1987, c. 57, s. 471.

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- Failure to present claim. **472.** Any amount set aside for a claim that is not presented to the treasurer within the prescribed time shall be deposited into the general fund of the municipality.  
1987, c. 57, s. 472.
- Contested claim. **473.** In no case may an official agent, the leader of a party or an independent candidate pay a contested claim or the contested part of a claim.
- Execution of judgment. Only the official representative may pay the claim or part of the claim in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.
- Error in good faith. Notwithstanding the foregoing, where no party or independent candidate objects, the treasurer may authorize the official representative to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to one particular candidate, the payment thereof may be contested only by a party having presented a candidate for the same office or by an independent candidate for the same office.  
1987, c. 57, s. 473.
- Debts of independent candidate. **474.** Every independent candidate is required as of 31 December of the calendar year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.  
1987, c. 57, s. 474.  
*§4.– Reimbursement of election expenses*
- Reimbursement to party. **475.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 70% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by a party for its candidate for the office of mayor and for each of its candidates for the office of councillor, if the candidate is elected or obtains at least 15% of the votes cast at the election for the office concerned.  
1987, c. 57, s. 475; 1999, c. 25, s. 57; 2013, c. 7, s. 3.
- Reimbursement to independent candidate. **476.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 70% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by an independent candidate who is elected or obtains at least 15% of the votes cast at the election for the office concerned.

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- Maximum amount.      However, the amount of the reimbursement shall not exceed the total obtained by adding the amount of the debts arising from the election expenses of the candidate and the amount of the personal contribution of the candidate attested by a receipt referred to in the second paragraph of section 484.  
1987, c. 57, s. 476; 1999, c. 25, s. 58; 2002, c. 37, s. 192; 2013, c. 7, s. 4.
- Return of election expenses.      **477.** No reimbursement shall be made to a party until its return of election expenses has been filed.
- Return of election expenses.      No reimbursement shall be made to an independent candidate until he has filed his return of election expenses and a financial report provided for in section 484.  
1987, c. 57, s. 477.
- Person reimbursed.      **478.** The reimbursement of the election expenses of a party shall be made to its official representative.
- Person reimbursed.      The reimbursement of the election expenses of an independent candidate shall be made jointly to the candidate and to his official representative.  
1987, c. 57, s. 478.

### **DIVISION VI**

#### **REPORTS AND RETURNS OF AUTHORIZED PARTIES AND INDEPENDENT CANDIDATES**

##### *§1.– Financial report*

- Financial report.      **479.** The official representative of every authorized party shall, not later than 1 April each year, file with the treasurer a financial report for the preceding fiscal year in the form prescribed by a directive of the chief electoral officer. The report must contain a balance sheet, an income statement and a cash flow statement prepared in accordance with generally recognized accounting principles.
- Election period.      If 1 April falls during an election period, the financial report shall be filed not later than 90 days after polling day.  
1987, c. 57, s. 479; 2002, c. 37, s. 193; 2005, c. 28, s. 96; 2009, c. 11, s. 54.
- Revenues and expenditures.      **480.** The income statement must include a general statement of revenues and total expenditures and indicate, in addition,  
  - (1) *(paragraph repealed)*;
  - (2) the total amount of contributions of less than \$100 and the number of contributors;

(3) the number and total amount of party membership fees of \$25 or less collected from natural persons;

(4) the number and total amount of entrance fees of \$60 or less collected at a political activity or rally, and the nature, place and date of the activity or rally;

(4.1) the total amount of ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer's directives, how that revenue breaks down, and the nature, place and date of the activity or rally;

(4.2) the total amount of the sums paid to the official representative of the party for goods and services furnished in accordance with section 461 referred to in section 499.11;

(5) the total amount of contributions of \$100 or more and the number of contributors.

1987, c. 57, s. 480; 1999, c. 25, s. 59; 2002, c. 37, s.194; 2010, c. 32, s. 18; 2010, c. 35, s. 21; 2011, c. 38, s. 40.

Content of report. **481.** The financial report shall also indicate

(1) the financial institutions where the party funds are deposited and the account numbers;

(2) the total value of the goods and services furnished to the party free of charge and for political purposes, taking account of the second and third paragraphs of section 427;

(3) the name and full address of each elector who made one or more contributions to the party totalling \$100 or more, and the total amount contributed;

(4) the name and full address of each elector who became surety for a loan of the party and the amount for which he became surety;

(5) an itemized statement of the amounts borrowed for political purposes from an elector in the municipality or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest;

(6) the rent paid for the permanent office of the party entered in the register of the chief electoral officer, where such is the case;

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(7) the total amount of the remaining sums of money referred to in section 499.18.

Names of electors     The information described in subparagraph 3 of the first paragraph shall be presented according to the alphabetical order of the names of the electors.

1987, c. 57, s. 481; 2002, c. 37, s. 195; 2010, c. 35, s. 22; 2011, c. 38, s. 41.

Auditor's report required     **482.** If the auditor of the party must audit the financial report, it shall be deemed filed with the treasurer only if it is accompanied by the report of the auditor of the party.

1987, c. 57, s. 482; 2005, c. 28, s. 97.

Receipts for contributions.     **483.** The official representative of the party shall keep the receipts issued for contributions for five years after the date the financial report was filed as well as the vouchers necessary to ascertain compliance with sections 430 and 436.

Remittance to treasurer.     The receipts and vouchers shall be remitted to the treasurer every three months.

1987, c. 57, s. 483; 2001, c. 25, s. 99; 2010, c. 32, s. 19.

Financial report.     **484.** The official representative of an authorized independent candidate must, within 90 days after polling day, file a financial report with the treasurer.

Content.     The report must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the cash flow statement, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

Period.     The financial report must be filed at the same time as the candidate's return of election expenses and cover the period ending the day before the filing.

1987, c. 57, s. 484; 2009, c. 11, s. 54.

Yearly report.     **485.** If, on the day he files a financial report provided for in section 484, an authorized independent candidate still has debts arising from his election expenses or his official representative is in possession of sums of money or goods obtained by the candidate in his capacity as such, the official representative shall file a financial report with the treasurer not later than 1 April of the year immediately following each fiscal year in which the candidate remained authorized after the filing of the financial report provided for in section 484.

Final report.     Notwithstanding the foregoing, the official representative is not required to file any further financial reports after the filing of a financial report establishing that all the debts contemplated in the first paragraph have been paid.

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Report of independent candidate. The financial report of an authorized independent candidate must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the cash flow statement, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report. The first report following that provided for in section 484 must cover the period beginning on the day the latter is filed and ending on 31 December next. The report, other than that provided for in section 484, establishing that all debts arising from the candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.

1987, c. 57, s. 485; 2009, c. 11, s. 54.

Transmission to treasurer. **486.** The chief electoral officer shall transmit to the treasurer a copy of every financial report submitted to him in connection with an application for withdrawal of authorization or with a joint application for authorization to merge.

1987, c. 57, s. 486.

Leaving official representative. **487.** Any official representative who ceases to hold office shall, within the ensuing 60 days, transmit to the leader of the party or independent candidate a financial report covering the period during which he was in office that is not covered by a previous report, accompanied with every receipt issued during that period.

*“previous report”.* For the purposes of the first paragraph, “previous report” means any financial report already filed as well as any financial report that must be filed. The official representative is required to file the latter report even if he has resigned.

1987, c. 57, s. 487.

### *§2.– Auditor's report*

Audit report. **488.** The auditor of an authorized party shall audit the financial report of the party if the revenues collected exceed \$5,000. The auditor shall then deliver to the official representative, not later than five days before the expiry of the time prescribed by section 479 for the filing of the financial report, the audit report prepared in accordance with the directive on preparation issued by the chief electoral officer,

1987, c. 57, s. 488; 1999, c. 25, s. 60; 2005, c. 28, s. 98.

Access to documents. **489.** The auditor shall have access to all the books, accounts and documents pertaining to the financial business of the party.

1987, c. 57, s. 489.

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Cost. **490.** The treasurer shall reimburse, out of the general fund of the municipality, the expense incurred by the party for the audit of its financial report, up to the amount of

(1) \$1,000 in the case of a municipality having a population of less than 50 000;

(2) \$1,500 in the case of a municipality having a population of more than 50 000 but less than 100 000;

(3) \$3,000 in the case of a municipality having a population of 100 000 or more.

1987, c. 57, s. 490.

Special audit. **491.** Where the chief electoral officer requires the audit of a balance sheet submitted with a joint application for authorization to merge or the audit of a financial report submitted after a merger, he shall reimburse the expense incurred for the audit up to the amount prescribed in section 490.

Closing financial report. Where the chief electoral officer requires the audit of a closing financial report, he shall appoint the auditor and pay the cost of the audit.

1987, c. 57, s. 491.

### §3.– *Return of election expenses*

Return of election expenses. **492.** The official agent of every authorized party or independent candidate must, within 90 days after polling day, file a return of election expenses with the treasurer in the form prescribed by a directive of the chief electoral officer.

Attestation. The return must include a statement by the official agent attesting the accuracy of the return.

Accompanying documents. The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

Deed of appointment. Where the official agent has appointed a deputy, the return must be accompanied with the deed of appointment and any modification thereto.

Independent candidate. In the case of an independent candidate, the return must be filed at the same time as his financial report.

1987, c. 57, s. 492; 2002, c. 37, s. 196; 2009, c. 11, s. 55.

Source of funds. **493.** In addition to election expenses, the official agent shall indicate in the return the source of the sums paid into the election fund put at his disposal.

Contested claims. He shall also mention any claim he is contesting among those he received within 60 days after polling day.

1987, c. 57, s. 493.

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- Unfiled claims. **494.** The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.
- Cheque. The statement must be accompanied with a cheque drawn on the election fund and made to the order of the treasurer for the total amount of the claims contemplated in the first paragraph.
- Applicability. The first and second paragraphs do not apply to claims the official agent intends to contest.  
1987, c. 57, s. 494.
- Trust account. **495.** The sums remitted to the treasurer to cover the total amount of the unclaimed debts shall be kept by him in the general fund of the municipality.  
1987, c. 57, s. 495; 2009, c. 11, s. 56.
- Leaving official agent. **496.** Any official agent who ceases to hold office before the filing of the return of election expenses under section 492 shall, within the ensuing 10 days, transmit to the leader of the party or independent candidate a return of election expenses covering the period during which he was in office, accompanied with the relevant invoices, receipts and other vouchers and, where such is the case, the deed of appointment of a deputy and any modification thereto.
- Obligation. The first paragraph does not dispense the official agent from filing his return of election expenses within the prescribed time even if he has resigned, where such is the case, unless a person has been appointed to replace him.  
1987, c. 57, s. 496.
- Automatic correction. **497.** Every payment of election expenses made after the filing of the return of election expenses in accordance with subdivision 3 of Division V entails an automatic correction of the return of election expenses.  
1987, c. 57, s. 497.
- Election fund. **498.** The official agent of an authorized party shall, as soon as practicable after the filing of his return of election expenses, remit to the official representative the sums remaining in his election fund and the goods in his possession all or part of the cost of which constitutes an election expense.
- Election fund. After the filing of the return of election expenses, the official representative of an authorized independent candidate shall keep, in that capacity, the sums remaining in the election fund and the goods that are in his possession in his capacity as official agent and all or part of the cost of which constitutes an election expense.

Disposition of sums and goods.

The official representative of an authorized independent candidate may, until 31 December of the calendar year following that of polling day or, as the case may be, until the date of withdrawal of authorization if earlier, dispose of the sums and goods referred to in the second paragraph for political, religious, scientific or charitable purposes. He may, in particular, use the sums or the proceeds from the disposition of the goods, provided a fair price was obtained, to pay or cause the treasurer to pay a claim that, pursuant to subdivision 3 of Division V, may be paid after the filing of the return of election expenses.

Remittance of balance.

Any balance of the sums referred to in the second paragraph and of the proceeds from the disposition of the goods referred to therein remaining on 31 December of the calendar year following that of polling day, shall be remitted to the treasurer to be deposited into the general fund of the municipality. The goods referred to in the said paragraph that are in the possession on that date of the official representative belong and shall be remitted to the municipality.

1987, c. 57, s. 498.

Publication.

**499.** Within 30 days after the expiry of the time prescribed for filing returns of election expenses, the treasurer shall publish a summary of every return received within the prescribed time in a newspaper having general circulation in the municipality.

Notice.

The summary must be accompanied with a notice of the date of receipt of each return and accompanying documents and stating the fact that the public has access to them.

1987, c. 57, s. 499.

### **DIVISION VI.1**

#### **FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN**

##### *§1. — Required information and register*

**499.1.** When an authorized political party decides to call a leadership campaign, the leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall file with the Chief Electoral Officer a declaration stating the name of the person designated to oversee the leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate.

2011, c. 38, s. 42.

**499.2.** The leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every leadership candidate and the date on which the candidate entered the race.

The leader, the interim leader or the designated person shall also communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every financial representative of a leadership candidate and the name of the candidate on whose behalf the financial representative is acting. A document containing the written consent of each financial representative must also be filed.

For the purposes of this division, a person who has stated his or her intention to run as a leadership candidate and the person's financial representative are presumed to have been, respectively, a candidate and the candidate's financial representative from the time the intention was stated, even if that time was before the date on which the leadership campaign began.

2011, c. 38, s. 42.

**499.3.** The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.

The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer's website.

2011, c. 38, s. 42.

§2. — *Contributions, expenses and payment of claims*

**499.4.** Contributions may only be solicited under the responsibility of a leadership candidate's financial representative, who shall choose persons and authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate's campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate's financial representative.

2011, c. 38, s. 42.

**499.5.** A leadership candidate's financial representative shall open an account in a Québec branch of a bank, trust company or financial services cooperative.

Only sums of money collected under this division for the candidate's leadership campaign and the loans contracted in accordance with the first paragraph of section 499.10 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

2011, c. 38, s. 42.

**499.6.** The official representative or a deputy official representative of the party shall, for the purposes of the party leadership campaign, use an account referred to in the third paragraph of section 439 that is held by the official representative in the name of the party.

Loans contracted under the third paragraph of section 499.10 are paid into that account.

In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense otherwise than out of that account.

2011, c. 38, s. 42.

**499.7.** Only an elector of the municipality may make a contribution in support of one or more leadership candidates.

Contributions must be paid to the candidate's financial representative or to a person authorized by the financial representative in accordance with section 499.4.

The total amount of an elector's contributions may not exceed \$300 during a given leadership campaign. In addition to those contributions, a candidate may make contributions for the candidate's own benefit, the total of which may not exceed \$700.

2011, c. 38, s. 42; 2013, c. 7, s. 5.

**499.8.** Section 427, section 428 except paragraph 6 and sections 430, 434, 436, 438 and 440 apply, with the necessary modifications, to the contributions referred to in this division.

A leadership candidate's financial representative who, during political activities or rallies held for the purposes of the candidate's leadership campaign, collected amounts totalling over 3% of the total contributions collected by the representative for the purposes of that campaign shall, within 30 days after the last return the representative must file under subdivision 3 of this division, remit to the Chief Electoral Officer an amount equivalent to the portion of the amounts that exceeds that percentage. The Chief Electoral Officer shall transfer the amount to the treasurer, who shall pay it into the general fund of the municipality.

2011, c. 38, s. 42.

**499.9.** On the seventh day after the date on which the leadership campaign begins and every seven days after that until the leadership vote, and every 30 days after the leadership vote, a leadership candidate's financial representative must file with the Chief Electoral Officer the receipts relating to the contributions received by the financial representative.

2011, c. 38, s. 42.

**499.10.** A leadership candidate's financial representative may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the candidate's leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in section 447.

The official representative of the party may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the leadership campaign expenses of the party.

2011, c. 38, s. 42.

**499.11.** For the purposes of this division, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

- (1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or
- (2) the official representative, or any deputy or substitute official representative of the party, on behalf of the party.

Sections 381, 383, 385 to 387, 450 to 456, 459 to 461, 463, 464 and 466 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate's financial representative is the candidate's official agent and the official representative of the party is the official agent of the party.

2011, c. 38, s. 42.

**499.12.** Any person to whom an amount is due for an expense incurred under this division by a leadership candidate's financial representative must present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

2011, c. 38, s. 42.

**499.13.** Any person to whom an amount is due for an expense incurred under this division by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

2011, c. 38, s. 42.

**499.14.** Subject to section 499.15, a leadership candidate's financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 499.12, except any claim he or she contests, and all loans contracted.

2011, c. 38, s. 42.

**499.15.** A leadership candidate's financial representative who, because of a lack of funds in the account referred to in section 499.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional period of 12 months for the purpose of paying that balance. That 12-month period may be renewed once, with the authorization of the Chief Electoral Officer.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 36-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Sections 440 and 645 do not apply to such a contribution.

2011, c. 38, s. 42.

### §3. — *Returns*

**499.16.** Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of the candidate's leadership campaign income and expenses with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10, and the deeds of appointment of any deputy financial representatives appointed under section 385 and any amendment to those deeds, must be filed with the return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 42.

**499.17.** If a leadership candidate's financial representative has not, as of the filing date of the return referred to in section 499.16, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under sections 499.14 and 499.15, file a complementary return with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10 must be filed with the complementary return. The vouchers must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

2011, c. 38, s. 42.

**499.18.** A leadership candidate's financial representative must send to the official representative of the party, along with the return required under section 499.16 or the last complementary return required under section 499.17, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 439 that is held by the official representative of the party in the party's name.

2011, c. 38, s. 42.

**499.19.** Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates under section 499.16.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy official representatives appointed under section 385 and any amendment to those deeds must be kept by the official representative of the party for a period of five years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 42.

**499.20.** If an error is found in a return filed under this division, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return.

After the date prescribed for filing the return, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

2011, c. 38, s. 42.

**499.21.** If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate's financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return required under this division, the Chief Electoral Officer may grant an extension of not more than 30 days for the preparation and filing of the return.

2011, c. 38, s. 42.

### **DIVISION VII**

#### **KEEPING AND TRANSMISSION OF DOCUMENTS BY THE TREASURER**

Transmission to chief electoral officer.

**500.** The treasurer shall, on request, send the Chief Electoral Officer a copy of the reports, returns and documents not already in his possession, except receipts issued for contributions of less than \$100.

1987, c. 57, s. 500; 2009, c. 11, s. 57; 2010, c. 35, s. 24.

**501.** The treasurer shall keep the reports, returns, invoices, receipts and other vouchers necessary to ascertain compliance with sections 430 and 436 for five years after they are received.

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Returning of documents. After the expiry of five years following the receipt of invoices, receipts and other vouchers, the treasurer may, on request, return them to the party or the independent candidate.

Destruction. Failing such a request, the treasurer may destroy them.

1987, c. 57, s. 501; 2010, c. 35, s. 25.

### **DIVISION VIII SANCTIONS**

Failure to file report. **502.** The leader of a party whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend the sittings of the council of the municipality as a member thereof from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

Attendance at sittings. Where the leader is not a member of the council, the person who was the candidate of the party for the office of mayor at the last election loses the right to attend sittings pursuant to the first paragraph; where that person, also, is not a member of the council, the person who loses the right to attend sittings is the member of the council who, at the last election, was the candidate of the party that obtained the greatest number of votes.

Defunct party. Where the party no longer exists, the leader referred to in the first paragraph is the last holder of that position.

Applicability. The first three paragraphs do not apply to a person who resigned from the party if a copy of the person's letter of resignation was transmitted to the treasurer and the chief electoral officer not less than three months before the expiry of the time fixed for transmission of the report.

1987, c. 57, s. 502; 2002, c. 37, s. 197.

Failure to file report. **503.** An independent candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend as a member the sittings of the council of the municipality from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

1987, c. 57, s. 503.

Sittings of other bodies. **504.** The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the municipality;

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(2) the council and any committee or commission of the regional county municipality, of the metropolitan community or of an intermunicipal board of management;

(3) any other board, committee, commission or public body of which the person is a member by reason of the fact that he is a member of the council of the municipality, of the regional county municipality, of the metropolitan community or of an intermunicipal board of management.

1987, c. 57, s. 504; 1990, c. 85, s. 122; 2000, c. 56, s. 218.

Motion to judge. **505.** A judge may, by order, on a motion made before the person loses the right to attend sittings, allow him to continue to do so for an additional period of not more than 30 days.

1987, c. 57, s. 505.

Extension. **506.** On proof that the failure to file the report or return is due to the absence, death, illness or misconduct of the official representative or official agent or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Penalty. Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

1987, c. 57, s. 506.

Correction of error. **507.** Where an error is found in a report or return that has been filed, the official agent or the official representative may correct it at any time within the period prescribed for filing the report or return.

Opposition. After the period prescribed for filing, the leader of the party or the independent candidate must obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for correction shall be submitted to the chief electoral officer.

Decision of chief electoral officer. If there is no opposition to the application or the chief electoral officer considers that the opposition is not justified, the chief electoral officer shall allow the correction. Otherwise, the leader or candidate shall apply for leave to the judge having jurisdiction.

1987, c. 57, s. 507; 1999, c. 25, s. 61.

Court of Québec. **508.** The judge having jurisdiction to rule on a motion under sections 505 to 507 is a judge of the Court of Québec of the judicial district where all or part of the territory of the municipality is situated.

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- Notice. No motion made under sections 505 to 507 may be heard unless a notice of at least three clear days is given by the applicant to the treasurer, to every candidate for the office concerned at the last election and, where the applicant is the leader of a party, to the leader of every other authorized party.  
1987, c. 57, s. 508; 1988, c. 21, s. 66.
- Failure to pay debts. **509.** An independent candidate who is elected and who, on 31 December of the calendar year following that of polling day, has not paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of the municipality from that date and until he has paid all such debts and filed a financial report establishing that he has done so.
- Attendance at sittings. The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of the councils, boards, committees, commissions and bodies referred to in section 504.  
1987, c. 57, s. 509.
- Notice. **510.** If at the expiry of the prescribed time the treasurer has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of such failure and of the effects thereof.
- Notice. If on 31 December of the calendar year following that of polling day, the treasurer has not received a financial report from an elected independent candidate establishing that all debts arising from his election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.  
1987, c. 57, s. 510.
- Notice to municipal bodies. **511.** As soon as practicable after a person has lost the right to attend the sittings of the council of the municipality, the treasurer shall notify the council, the regional county municipality, the metropolitan community, the intermunicipal board of management and any other body whose sittings he is no longer entitled to attend.
- Resumed attendance. The treasurer shall also notify them as soon as practicable where the person recovers the right to attend sittings.  
1987, c. 57, s. 511; 1990, c. 85, s. 122; 2000, c. 56, s. 218.
- Loss of remuneration. **512.** A person who loses the right to attend sittings consequently loses the right to receive the remuneration or allowance provided for each sitting he is not authorized to attend.

Computation. Where the remuneration or allowance is not established for each sitting, 1% shall be deducted from the annual amount for each sitting the person is not authorized to attend.

1987, c. 57, s. 512.

**DIVISION VIII.1**

**AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS**

**512.1.** A person may not incur expenses described in paragraph 9 of section 453 unless the person holds an authorization issued in accordance with this division.”;

Private intervenor. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

Notice to be given. An authorized political party that does not present candidates at a general election or a by-election and that wishes to intervene as a private intervenor shall notify the returning officer of the municipality accordingly. The party is deemed to hold an authorization as a private intervenor from the returning officer from the date its notice is received; the returning officer assigns the party an authorization number.

Provisions applicable. Sections 512.7, 512.8 and 512.12 to 512.20 apply to that party, with the necessary modifications. For the purposes of those sections, the party leader is deemed to be the elector representing the private intervenor referred to in the last paragraph of section 512.3.

Restriction. An authorized political party that took advantage of section 455 during an election period cannot obtain the status of private intervenor during that period.

1998, c. 52, s. 99; 2005, c. 28, s. 99; 2009, c. 11, s. 59.

Application for authorization. **512.2.** An elector who applies for authorization must

- (1) indicate his name, date of birth, domiciliary address and telephone number;
- (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate or party;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;
- (5) declare that he is not a member of any party;
- (6) declare that he is not acting directly or indirectly on behalf of any candidate or party;

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(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

1998, c. 52, s. 99.

Application for authorization.

**512.3.** A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders;
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate or party;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;
- (8) declare that the representative of the group is not a member of any party;
- (9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

Application for authorization.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

1998, c. 52, s. 99.

Application for authorization.

**512.4.** An application for authorization must be filed with the returning officer of the municipality in which the applicant is an elector.

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- Period. The application must be filed during the period extending from the fortieth to the twentieth day preceding polling day.  
1998, c. 52, s. 99; 2001, c. 25, s. 100; 2009, c. 11, s. 60.
- Accompanying document. **512.4.1.** The application for authorization must be accompanied with a document indicating in detail any publicity expense made by the private intervenor in relation to the election for which the private intervenor applies for the authorization, and the name and address of any person who provided \$100 or more and the amount so provided.
- “publicity expense”. For the purposes of the first paragraph, “publicity expense” means any expense meeting the following conditions:
- (1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period begins;
  - (2) its object is any publicity relating to the election, whatever the medium used.
- Publicity expense. In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period.  
2001, c. 25, s. 101; 2002, c. 37, s. 198; 2010, c. 35, s. 26.
- Issue of authorization. **512.5.** The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.
- Rejection. Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.  
1998, c. 52, s. 99; 2009, c. 11, s. 60.
- List of authorizations. **512.7.** Not later than the fifteenth day preceding polling day, the returning officer shall transmit to the authorized parties and to each candidate a list of the authorizations which have been granted.

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- Contents. The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.  
1998, c. 52, s. 99; 2009, c. 11, s. 60.
- Election period. **512.8.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.
- Restriction. The representative of a group of electors may only act for that group.  
1998, c. 52, s. 99.
- Resignation. **512.9.** The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.
- Report and vouchers. Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.  
1998, c. 52, s. 99; 2009, c. 11, s. 60.
- Representative. **512.10.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.  
1998, c. 52, s. 99; 2009, c. 11, s. 60.
- Election period. **512.11.** A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.  
1998, c. 52, s. 99.
- Restriction on expenses. **512.12.** A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.  
1998, c. 52, s. 99.
- Restriction on expenses. **512.13.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association, with any person.  
1998, c. 52, s. 99.
- Expenses. **512.14.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.

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- Expenses. A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.
- Payment of expenses. A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or financial services cooperative having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.
- 1998, c. 52, s. 99; 2000, c. 29, s. 644.
- Expenses. **512.15.** In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.
- Representative. The representative of a private intervenor is bound by the provisions of sections 512.12 to 512.14 and must ensure that they are complied with.
- 1998, c. 52, s. 99.
- Voucher. **512.16.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.
- Invoice. The invoice must indicate the goods or services furnished and their rate or unit price.
- 1998, c. 52, s. 99.
- Filing of report. **512.17.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the treasurer a report of all the private intervenor's expenses, in the prescribed form.
- Accompanying documents. The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a declaration in the prescribed form.
- 1998, c. 52, s. 99; 2009, c. 11, s. 61.
- Provisions applicable. **512.18.** Sections 499, 500, 501 and 506 apply to the report referred to in section 512.17, with the necessary modifications.
- 1998, c. 52, s. 99.
- Withdrawal. **512.19.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Procedure. Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.

1998, c. 52, s. 99.

Appeal. **512.20.** Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

Service of motion. The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

Appeal. The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.

Decision. The decision of the judge is final.

1998, c. 52, s. 99; 2009, c. 11, s. 60.

### **DIVISION IX TREASURER'S REPORT**

Treasurer's report. **513.** The treasurer shall, if applicable, not later than 1 April of each year, table before the council of the municipality a report of his operations under this chapter for the preceding fiscal year.

Transmission to chief electoral officer. He shall also transmit the report to the chief electoral officer.

1987, c. 57, s. 513; 2009, c. 11, s. 62.

### **CHAPTER XIV DISCLOSURE OF CERTAIN ELECTION CONTRIBUTIONS**

**513.0.1.** The Chief Electoral Officer shall see to the enforcement of this chapter, and may issue directives respecting such enforcement.

2009, c. 11, s. 63; 2013, c. 7, s. 6.

List. **513.1.** Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 90 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who, to promote the election of the candidate, contributed a sum of \$100 or more, or contributed two or more sums amounting to \$100 or more. The list must indicate the amount thus contributed by each person as well as any amount of \$100 or more that the candidate made to promote his or her own election, if applicable.

List. The Chief Electoral Officer prescribes the other information that must be included on the list referred to in the first paragraph.

The treasurer shall send the lists received in accordance with this section to the Chief Electoral Officer, in the manner prescribed by the Chief Electoral Officer.

1998, c. 31, s. 88; 2010, c. 35, s. 27; 2013, c. 7, s. 7.

**513.1.1.** Only a natural person may make gifts of money, the total of which may not exceed \$300 per candidate. In addition to those gifts, a candidate may contribute sums of money for the candidate's own benefit, the total of which may not exceed \$700.

2009, c. 11, s. 64; 2013, c. 7, s. 8.

**513.1.2.** Every gift of money of \$100 or more must be made by cheque or other order of payment signed by the person who makes the gift and drawn on the person's account in a financial institution having an office in Québec and be made payable to the order of the person described in the first paragraph of section 513.1.

2013, c. 7, s. 9.

Tabling. **513.2.** The treasurer shall table before the council the list transmitted pursuant to section 513.1.

1998, c. 31, s. 88.

*"treasurer"*. **513.3.** For the purposes of this chapter, "treasurer" has the meaning given by section 364, and sections 376 and 376.1 apply to the treasurer.

1998, c. 31, s. 88; 1999, c. 25, s. 63.

**TITLE IV**  
**PENAL PROVISIONS**

**CHAPTER I**  
**OFFENCES**

- Offence. **588.1.** Every person is guilty of an offence who files the document referred to in section 162.1 or 512.4.1 although it is incomplete or contains a false indication or false information.  
2001, c. 25, s. 103; 2009, c. 11, s. 74.
- Offence. **595.** Every official agent or deputy of an official agent is guilty of an offence who
- (1) incurs or authorizes election expenses that exceed the maximum he is permitted;
  - (2) files a report, return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or who
  - (3) pays a claim when the return of election expenses has already been filed with the treasurer.
- Offence. Every elector referred to in section 512.2 or in the last paragraph of section 512.3 is guilty of an offence who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or other voucher.  
1987, c. 57, s. 595; 1998, c. 52, s. 100; 2002, c. 37, s. 205.
- 595.0.1.** Every financial representative or deputy financial representative of a party leadership candidate is guilty of an offence who
- (1) files a return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or
  - (2) pays a claim otherwise than as permitted by sections 499.14 and 499.15.  
2011, c. 38, s. 43.
- Offence and penalty. **595.1.** Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid for otherwise than as permitted by Divisions V and VI.1 of Chapter XIII of Title I is guilty of an offence.  
1998, c. 31, s. 90; 2011, c. 38, s. 44.
- Offence. **596.** The following persons are guilty of an offence:
- (1) every person, other than the official representative, who pays a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent;

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(2) every official representative who pays, otherwise than as provided for in section 473, a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent.

1987, c. 57, s. 596.

Offence. **597.** Every official representative or delegate of an official representative who files a report, return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information is guilty of an offence.

1987, c. 57, s. 597; 2002, c. 37, s. 206.

Offence. **598.** Every auditor of an authorized party who produces a report with the knowledge that it is incomplete or contains a false indication or false information is guilty of an offence.

1987, c. 57, s. 598.

Offence. **599.** The following are guilty of an offence:

(1) every unauthorized party or candidate that allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the party or candidate;

(2) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized party or candidate;

(3) every party leadership candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the candidate's leadership campaign without a written authorization from the candidate's financial representative;

(4) every person who solicits or collects contributions, incurs expenses or contracts a loan for a party leadership candidate without a written authorization from the candidate's financial representative.

1987, c. 57, s. 599; 2011, c. 38, s. 45.

Offence. **600.** Every person who accepts an appointment as official representative, delegate of an official representative, official agent, deputy of an official agent or auditor with the knowledge that he is disqualified from holding that position is guilty of an offence.

1987, c. 57, s. 600.

Offence. **601.** Every person is guilty of an offence who

(1) signs the writing accompanying an application for authorization of a party, as a member of the party seeking the authorization, with the knowledge that he is not an elector of the municipality mentioned in the application; or who

(2) affixes to the writing, as a supporting signature, a name other than his own.

1987, c. 57, s. 601; 2005, c. 28, s. 106.

Offence. **602.** Every person responsible for collecting signatures in support of an application for authorization of a party who allows a signature he knows to be that of a person who is not an elector of the municipality mentioned in the application, or of a person other than the person affixing it, to be affixed to the writing accompanying the application, is guilty of an offence.

1987, c. 57, s. 602; 2005, c. 28, s. 107.

Offence. **603.** Every person who makes a contribution to a person with the knowledge that he is not the official representative of an authorized party or independent candidate, or a person designated by the latter in writing to solicit and collect contributions, is guilty of an offence.

1987, c. 57, s. 603.

Offence. **604.** Every official agent who fails to pay, before filing his return of election expenses, every claim received in respect of such expenses within 60 days after polling day, except any claim he contests, is guilty of an offence.

1987, c. 57, s. 604.

Offence. **605.** Every treasurer is guilty of an offence who

(1) reimburses an authorized party or independent candidate for election expenses otherwise than in circumstances described in sections 475 and 476;

(2) reimburses an authorized party or independent candidate for election expenses before the return of election expenses of the party or candidate has been filed with him;

(3) makes a reimbursement of the election expenses of an authorized party to a person other than the official representative of the party; or who

(4) makes a reimbursement of the election expenses of an authorized independent candidate without making it jointly to the candidate and to his official representative.

1987, c. 57, s. 605.

Offence. **606.** Every official representative of an authorized party who fails to keep, for five years after the filing of a financial report, the receipts issued for contributions collected as well as the vouchers for the period covered by the report or who fails to remit the receipts and vouchers to the treasurer is guilty of an offence.

1987, c. 57, s. 606; 2010, c. 32, s. 20.

Offence. **607.** Every official representative of an authorized independent candidate is guilty of an offence who, after polling day, after the candidate withdraws or after the candidate is declared elected before the end of the polling period, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred;

(2) disposes or allows a person to dispose, for purposes other than political, religious, scientific or charitable purposes or purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such;

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts resulting from election expenses then incurred or for the disposal, for political, religious, scientific or charitable purposes or purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such; or who

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts resulting from election expenses then incurred or for the disposal, for political, religious, scientific or charitable purposes or purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such.

1987, c. 57, s. 607; 1999, c. 25, s. 81.

Offence. **608.** Every person holding sums of money or assets of a party or of an independent candidate who fails to remit the money or the assets to the chief electoral officer within 10 days after he is notified of the withdrawal of authorization of the party or candidate is guilty of an offence.

1987, c. 57, s. 608.

Offence. **609.** The following are guilty of an offence:

(1) every party or independent candidate who fails to transmit to the chief electoral officer, within 60 days after the withdrawal of the party's or candidate's authorization, a document that must be transmitted pursuant to section 408;

(2) every party that fails to transmit to the chief electoral officer, within 60 days after it merges with another party, the financial report required under section 419.

1987, c. 57, s. 609; 2002, c. 37, s. 207.

Offence. **610.** The following persons are guilty of an offence:

(1) every official representative, delegate of an official representative or person designated by either to solicit and collect contributions, and every financial representative of a party leadership candidate or person authorized by the financial representative to solicit or collect contributions, who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the municipality;

(b) the contribution is not being made by the elector himself;

(b.1) the contribution is not being made voluntarily by the elector;

(b.2) the elector is receiving compensation or consideration, or is being reimbursed;

(c) the contribution is not being made at the elector's own expense;

(d) the contribution causes the elector to exceed the maximum prescribed in section 431 or 499.7;

(e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 427;

(2) every person who makes a contribution contemplated in paragraph 1.

(3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;

(4) every elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

1987, c. 57, s. 610; 2010, c. 32, s. 21; 2011, c. 38, s. 46.

**610.1.** The following persons are guilty of an offence:

(1) a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII of Title I do not apply and who collects a gift of money from a legal person, or collects a gift of money from a natural person that causes the maximum amount provided for in section 513.1.1 to be exceeded;

(2) a person who makes a gift of money to a candidate or person described in paragraph 1;

(3) a person who collects a gift referred to in paragraph 1 on behalf of a person referred to in that paragraph.

2009, c. 11, s. 76; 2010, c. 32, s. 22; 2013, c. 7, s. 10.

Offence. **611.** Every person who solicits or collects contributions or incurs expenses other than election expenses for an authorized party or independent candidate without being its or his official representative, his delegate or a person designated in writing for that purpose by either, is guilty of an offence.

1987, c. 57, s. 611.

Offence. **612.** Every official representative, delegate of an official representative or person designated by either to solicit and collect contributions is guilty of an offence who

(1) collects contributions without issuing a receipt to the contributor;

(2) collects a contribution of money of \$100 or more made otherwise than by credit card, transfer of funds, cheque or other order of payment;

(2.1) collects a contribution made by means of a credit card or a transfer of funds that is not made in accordance with the directives of the chief electoral officer;

(2.2) collects a contribution made by means of a transfer of funds that is not made to an account held by the official representative of the authorized party or independent candidate for which or whom the contribution is intended; or

(3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized party or independent candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec.

1987, c. 57, s. 612; 2001, c. 25, s. 104; 2010, c. 35, s. 28.

**612.1.** An elector who makes a contribution of \$100 or more that is not made in accordance with section 436 is guilty of an offence.

2013, c. 7, s. 11.

Offence. **613.** The following persons are guilty of an offence:

(1) every official representative who fails to deposit, in a Québec branch of a financial institution, the funds of his party or, as the case may be, the funds received by an independent candidate in his capacity as such;

(2) every person designated by the official representative or by his delegate to solicit and collect contributions who fails to remit any contribution he receives to the person who designated him;

(3) every delegate who fails to remit to the official representative any contribution he receives from a contributor or from a person designated by him to solicit and collect contributions.

1987, c. 57, s. 613.

- Offence. **614.** Every person holding any contribution made in contravention of Chapter XIII of Title I, who fails to return it to the contributor within 30 days after he becomes aware of the contravention or, where the contributor cannot be found or has been convicted of contravening any of sections 429 to 431 and 436, fails to remit, within the same time limit, to the treasurer the amount of the contribution or the amount at which the contribution is evaluated, is guilty of an offence.  
1987, c. 57, s. 614; 2009, c. 11, s. 77.
- Offence. **615.** Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized party outside an election period or to the leader of an authorized party or to a candidate during an election period without offering such service equitably as to quality and quantity to the other authorized parties in the municipality, their leaders or the other candidates for the same office, as the case may be, is guilty of an offence.
- Co-candidates. For the purposes of the first paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.  
1987, c. 57, s. 615; 1990, c. 20, s. 18.
- Offence. **616.** Every official representative of an authorized party or independent candidate who fails to pay the accounts and invoices transmitted to him, within six months of receipt, is guilty of an offence, unless he contests them.  
1987, c. 57, s. 616; 2002, c. 37, s. 208.
- Offence. **617.** Every person who contracts a loan for an authorized party or independent candidate without being its or his official representative or grants a loan for an authorized party or independent candidate to a person with the knowledge that he is not its or his official representative is guilty of an offence.  
1987, c. 57, s. 617.
- Offence. **618.** Every official representative is guilty of an offence who
- (1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 447;
  - (2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 447;

(2.1) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 447.1 in respect of the elector will be exceeded;

(3) fails to pay the yearly interest payable on the loans he has contracted; or who

(4) uses sums of money other than those collected in accordance with Chapter XIII of Title I to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 457 or which has been used by him or his delegate to pay election expenses pursuant to section 455.

Offence and penalty. Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 447.1 will be exceeded.

1987, c. 57, s. 618; 1998, c. 31, s. 91.

Offence. **619.** The following persons are guilty of an offence:

(1) every official representative who pays into the election fund put at the disposal of the official agent sums of money other than those collected in accordance with Chapter XIII of Title I;

(2) every official representative or delegate of an official representative who uses, to pay an election expense contemplated in section 452, sums of money other than those collected in accordance with Chapter XIII of Title I.

1987, c. 57, s. 619.

Offence. **620.** Every official agent or deputy of an official agent who pays any election expenses otherwise than out of the election fund put at the disposal of the official agent is guilty of an offence.

1987, c. 57, s. 620.

Offence. **621.** The following persons are guilty of an offence:

(1) every official agent who fails to deposit the sums of money paid into the election fund put at his disposal in an account at a Québec branch of a financial institution;

(2) every official agent of an authorized party who fails to deposit the sums of money paid into the election fund put at his disposal in an account separate from the account of the official representative.

1987, c. 57, s. 621.

Offence. **622.** Every person is guilty of an offence who

(1) incurs or authorizes an election expense without being the official agent of an authorized party or independent candidate, his deputy or an advertising agency authorized in writing for that purpose by the official agent or, in the case of an election expense contemplated in section 452, without being the official representative of an authorized party or his delegate; or who

(2) uses, during the election period, goods or services all or part of the cost of which constitutes an election expense contemplated in section 452, without being the official agent of an authorized party, his deputy or a person authorized for that purpose by the official agent.

*“election expense”*  
and *“official agent”*.

For the purposes of subparagraph 2 of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

1987, c. 57, s. 622; 1998, c. 52, s. 101.

Offence. **623.** Every person is guilty of an offence who

(1) accepts or executes an order for election expenses that is not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case, or in the case of an election expense contemplated in section 452, by the official representative of an authorized party or his delegate;

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price that is different from the regular price for similar goods or services outside the election period; or who

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work contemplated in paragraph I of section 428.

*“election expenses”*  
and *“official agent”*.

For the purposes of this section, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

1987, c. 57, s. 623; 1998, c. 52, s. 102; 2010, c. 32, s. 23.

- Offence. **624.** The following persons are guilty of an offence:
- (1) every printer, manufacturer, owner of a newspaper or other publication, radio or television broadcaster or other person using another medium or information technology who manufactures, prints or disseminates any advertising copy, object or material, advertisement or publicity relating to an election that does not contain the information required under section 463 or 463.1;
  - (2) every official agent, deputy official agent, private intervenor or representative of a private intervenor who allows the information required under section 463 or 463.1 to be omitted from any advertising copy, object or material, advertisement or publicity relating to an election.
- 1987, c. 57, s. 624; 1998, c. 52, s. 103; 2002, c. 37, s. 209; 2009, c. 11, s. 78.
- Offence. **624.1.** Every person who contravenes any of sections 463.1, 512.1, 512.8 and 512.10 to 512.16 is guilty of an offence.
- 1998, c. 52, s. 104; 2009, c. 11, s. 79.
- Offence. **625.** Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars contemplated in section 466 is guilty of an offence.
- 1987, c. 57, s. 625.
- Offence. **625.1.** Every person is guilty of an offence who contravenes
- (1) any of sections 499.1, 499.2 and 499.4, the second paragraph of section 499.7, section 499.10, either of sections 434 and 436 referred to in section 499.8 or any of sections 381, 387, 460, 461, 464 and 466 referred to in section 499.11; or
  - (2) any of sections 499.5, 499.6, 427 except the third paragraph, 428 except paragraph 6 and 440 referred to in section 499.8, or either of the first paragraph of section 455 and section 459 referred to in section 499.11.
- 2011, c. 38, s. 47.
- Offence. **626.** Every official representative, official agent or financial representative of a leadership candidate, including one who has ceased prematurely to exercise such functions, who fails to file a report or return required under section 420, 479, 484, 485, 487, 492, 496, 499.16, 499.17 or 499.19 or the documents required to be filed with such a report or return within the time prescribed in those sections, or who fails to file the receipts required under section 499.9 within the time prescribed in that section, is guilty of an offence.
- 1987, c. 57, s. 626; 2011, c. 38, s. 48.

- Offence. **626.1.** Every private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to transmit the report prescribed in section 512.17 within the time fixed in that section is guilty of an offence.  
1998, c. 52, s. 105.
- Offence. **627.** Every auditor who fails to transmit the report provided for in section 488 within the prescribed time is guilty of an offence.  
1987, c. 57, s. 627.
- Offence. **628.** Every deputy of an official agent, official representative of a party or financial representative of a party leadership candidate who fails to transmit a detailed account of the election expenses or party leadership campaign expenses he has incurred or authorized and the documents that must accompany it, within the time prescribed in section 455, is guilty of an offence.  
1987, c. 57, s. 628; 2011, c. 38, s. 49.
- Offence. **629.** Every advertising agency who fails to transmit a detailed account of the election expenses it has incurred or ordered and the documents that must accompany it, within the time prescribed by section 456, is guilty of an offence.  
1987, c. 57, s. 629.
- Offence. **630.** Every person who attends a sitting of a council, board, committee, commission or body as a member thereof, with the knowledge that he has lost the right to do so under this Act is guilty of an offence.  
1987, c. 57, s. 630.
- Offence. **636.2.** Every person who contravenes a provision of this Act or of a regulation made under this Act is guilty of an offence, even if the contravention does not constitute an offence under any other provision of this chapter.  
2002, c. 37, s. 213.
- 636.3.** Every person who attempts to commit an act described in section 599, to the extent that it pertains to a contribution, or any of sections 603, 610, 614 and 619 to 622 or paragraph 2 of section 625.1 is guilty of an offence.  
2010, c. 32, s. 24; 2011, c. 38, s. 50.
- Offence. **637.** Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

Complicity. Every person who incites or leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offences.

Defence. The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

1987, c. 57, s. 637.

Offence. **638.** If the leader of a political party, another of its officers, its official representative, a delegate of its official representative, its official agent or a deputy of its official agent commits, allows or tolerates an offence under this Act, the political party is presumed to have committed the same offence.

Applicability. The first paragraph applies, with the necessary modifications, to a ticket.

1987, c. 57, s. 638; 1990, c. 4, s. 409; 1995, c. 23, s. 74; 2010, c. 36, s. 8.

### CHAPTER II PENALTIES

Penalty. **639.** Every person who is guilty of an offence described in any of sections 586 to 588, 631 to 634 and 636.1 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$6 000;

(2) for any subsequent conviction, to a fine of not less than \$1 000 nor more than \$4 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$12 000.

1987, c. 57, s. 639; 1990, c. 4, s. 410; 1998, c. 31, s. 93; 1999, c. 25, s. 83; 2002, c. 37, s. 214.

Offence and penalty. **639.1.** Every person who is guilty of an offence described in section 588.1 is liable to a fine of not less than \$1 000 nor more than \$10 000.

2001, c. 25, s. 105.

Penalty. **640.** Every person who is guilty of an offence described in section 594, paragraph 1 of section 596 or section 598 is liable to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$25 000.

1987, c. 57, s. 640; 1990, c. 4, s. 411; 2010, c. 32, s. 25; 2011, c. 38, s. 51.

Penalty. **640.0.1.** Every person who is guilty of an offence described in any of sections 595 to 595.1, paragraph 2 of section 596 or section 597 is liable to a fine of not less than \$5,000 nor more than \$20,000.

2011, c. 38, s. 52.

Penalty. **640.1.** Every person who is guilty of an offence described in any of sections 600 to 602 and 604 to 606 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$6 000;

(2) for any subsequent conviction, to a fine of not less than \$1 000 nor more than \$4 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$12 000.

1998, c. 31, s. 94; 2010, c. 32, s. 26.

**641.** Every person who commits an offence under section 599, to the extent that it pertains to an expense or a loan, or any of sections 603, 607 to 609, 611 to 613, 615 to 618 and 623 to 625 and paragraph 1 of section 625.1 is liable to a fine of not less than \$500 nor more than \$10,000.

1987, c. 57, s. 641; 1990, c. 4, s. 411; 1998, c. 31, s. 95; 2002, c. 37, s. 215; 2009, c. 11, s. 81; 2010, c. 32, s. 27; 2011, c. 38, s. 53; 2013, c. 7, s. 12.

**641.1.** Every person who commits an offence under any of sections 589 to 593, 599 to the extent that it pertains to a contribution, 610, 610.1, 614, 619 to 622, paragraph 2 of section 625.1 and section 636.3 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 610 or paragraph 2 of section 610.1, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

2010, c. 32, s. 28; 2011, c. 38, s. 54.

**641.2.** *(Repealed).*

2010, c. 32, s. 28; 2013, c. 7, s. 13; 2013, c. 16, s. 99; 2015, c. 6, s. 35.

**641.3.** *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

**641.4.** *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

**641.5.** *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

Penalty. **642.** Every person who is guilty of an offence described in any of sections 626 to 629 is liable to a fine of not more than \$50 for each day of delay in transmitting the document contemplated in the section.

1987, c. 57, s. 642; 1990, c. 4, s. 411; 1998, c. 31, s. 96.

Penalty. **643.** Every person who is guilty of an offence described in section 630 is liable to a fine of not less than \$50 nor more than \$500 for each sitting which he attends without right.

1987, c. 57, s. 643; 1990, c. 4, s. 411.

Offence and penalty. **643.1.** Every person who is guilty of an offence described in section 635 is liable,  
(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000;  
(2) for any subsequent conviction, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

2002, c. 37, s. 216.

Offence and penalty. **644.1.** Every person who is guilty of an offence described in section 636.2 is liable to a fine of not more than \$500.

2002, c. 37, s. 217.

**CHAPTER III**  
**CORRUPT ELECTORAL PRACTICES**

Corrupt electoral practice. **645.** An offence under any of sections 586 to 588, 589 to 598, paragraphs 2, 3 and 4 of section 610, paragraph 2 of section 610.1, and section 636.3 to the extent that it is an offence described in any of paragraphs 2, 3 and 4 of section 610, is a corrupt electoral practice.

Exceptions. Notwithstanding the foregoing, in the case of an offence described in subparagraph 1 of the first paragraph of section 595, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed either with the permission of the treasurer granted pursuant to section 473 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error made in good faith.

1987, c. 57, s. 645; 1998, c. 52, s. 106; 2009, c. 11, s. 82; 2010, c. 32, s. 29.

### CHAPTER IV PROCEEDINGS

Chief electoral officer. **647.** The chief electoral officer may institute proceedings for any offence described in this Title. However, proceedings may not be instituted for an offence described in section 630 unless the loss of the right to attend a sitting mentioned in that section results from the application of Chapter XIII of Title I.

Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) does not apply to the Chief Electoral Officer.

1987, c. 57, s. 647; 1992, c. 61, s. 279; 1999, c. 25, s. 84; 2010, c. 36, s. 9.

Prescription. **648.** Penal proceedings for an offence referred to in section 647 are prescribed five years after the date the offence was committed. However, proceedings relating to an offence under any of sections 586 to 588 and 589 to 594 are prescribed 10 years after the date the offence was committed.

1987, c. 57, s. 648; 1992, c. 61, s. 280; 2010, c. 35, s. 29; 2010, c. 35, s. 29.

**648.1.** The Chief Electoral Officer shall transmit to the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1) who exercise the function described in paragraph 1.1 of section 10 of that Act the information relating to any penal proceeding brought under this Title and any resulting finding of guilty for an offence listed in Schedule I to the Act respecting contracting by public bodies (chapter C-65.1).

The Chief Electoral Officer shall also transmit to the Chair of the Conseil du trésor, in the manner determined in an agreement, the information required under paragraphs 1 to 3 of section 21.7 of the Act respecting contracting by public bodies concerning findings of guilty for offences described in this Title and listed in Schedule I to that Act.

2015, c. 6, s. 36.

**TITLE V**

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**CHAPTER I**

MISCELLANEOUS PROVISIONS

- Public information. **659.** Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). Despite section 9 of that Act, there is no right of access to the documents required to be filed under Division VI of Chapter XIII of Title I before the date on which the time or period prescribed for their filing expires. Documents filed after that date may be accessed from the date they are filed.
- Personal information. Notwithstanding the first paragraph, the list of the members of an authorized party and any personal information appearing on a list of electors or referendum list, a list of the qualified voters entitled to have their names entered on a referendum list, on an application made before a board of revisors, or on receipts for contributions of less than \$100 to an authorized party, an authorized independent candidate or a leadership candidate of an authorized party and not required to appear in a financial report, return of leadership campaign income and expenses or complementary return, as applicable, is not public information.
- Exception to Act. The information contemplated in the second paragraph shall be transmitted in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The municipality and the Chief Electoral Officer are not required to file the information in the personal information file provided for in the said Act.
- Exception to Act. Division II of Chapter II of the said Act does not apply to a document prescribed in this Act.
- 1987, c. 57, s. 659; 1995, c. 23, s. 75; 1997, c. 34, s. 44; 2009, c. 11, s. 83; 2010, c. 35, s. 30; 2011, c. 5, s. 33; 2011, c. 38, s. 55.
- Confidentiality. **659.1.** No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors or referendum list or in a list of qualified voters entitled to have their names entered on a referendum list.

Confidentiality. However, a municipality may, in the exercise of its powers, use information contained in a list referred to in the first paragraph provided that it takes adequate steps to ensure the confidentiality of personal information.

1995, c. 23, s. 76; 2006, c. 22, s. 177.





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