

Text

of the interactive presentation

Financing of candidates and control of election expenses

Information to the candidates running for the office of commissioner

For more information :

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Introduction

So you would like to become a candidate for the office of school commissioner. Good for you! Your community needs people who want to put their skills to good use to ensure that educational resources are managed in the interests and according to the values of citizens.

This CD ROM was made to help you out. It will familiarize you with the rules you need to know to become a candidate for the office of school commissioner. It will also give you essential logistic and legal references.

 *To quickly find your way, do not hesitate to consult the navigation menu by clicking on the “Navigation index” button on the bottom-left of your screen.*

Written information only:

To interpret the Act respecting school elections, you must refer yourself to the original texts published by the Éditeur officiel du Québec. The masculine gender is used herein without any discrimination and for the sole purpose of improving the readability of the text.

👁 *For starters, let's see what steps must be followed and what conditions must be met in order to become a candidate.*

To become a candidate

To become a candidate for the office of commissioner, you must satisfy the following conditions on polling day:

Have been domiciled in the territory of the school board for six months or more;

AND

be entitled to have your name entered on the list of electors of the school-board. You must, among other things:

- have attained 18 years of age;
- be a Canadian citizen;
- be domiciled in the territory of the school board and have been domiciled in Québec for six months or more;
- not be under curatorship;
- not have been convicted of an offence that is a corrupt electoral practice.

If you are able to meet these conditions on polling day, you must obtain a nomination paper from the returning officer of your school board and provide the information requested. You must also obtain the signatures of at least ten electors from the electoral division in which you would like to be a candidate.

The nomination paper must be delivered to the office of your returning officer between the 40th and the 35th day preceding polling day. One piece of identification will be required.

👁️ *Now that we've seen how to become a candidate, let's see how one can obtain an authorisation in order to, among other things, spend money for his campaign*

Candidate authorization

To conduct your campaign, you will no doubt incur some expenses. To solicit or collect contributions—including your own contribution—incur expenses or contract a loan, you must first obtain authorization from the returning officer of your school board.

👁️ *Here are a few details concerning your request for authorisation, should you want to file one.*

You may obtain this authorisation as of January 1st of the year in which the general elections are held or, in the case of a by-election, as soon as the seat becomes vacant. An authorization form is available at the office of your returning officer. If you apply for your authorization before filing your nomination paper, your application will have to be supported by the signatures of at least ten electors.

As soon as the returning officer approves your application, you are authorized to receive financial contributions and to incur expenses associated with your candidature.

When you obtain your authorization, the returning officer will give you the *Guide for the authorized candidate*, which informs you of your duties and responsibilities.

This document serves as a reference for:

- financing sources;
 - election expenses;
 - expenses other than election expenses;
 - the return and report to be filed, as well as a user's guide;
 - the reimbursement of election expenses;
 - penal provisions and other penalties;
 - directives to follow.
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It is good to know that the information regarding authorizations is public. After the deadline for filing nomination papers, the Chief Electoral Officer of Québec publishes, in a newspaper distributed on the territory of the school board, a notice that outlines all authorizations granted or withdrawn. In addition, this information will be available on the Chief Electoral Officer's website.

The Act respecting school elections does not permit the establishment of political parties. However, candidates who have common interests may be grouped into tickets, or teams, recognized by the returning officer. To be recognized, the ticket must submit a written request for recognition to the returning officer, within the prescribed period.

👁 *Now that you're ready to conduct your campaign, let's examine more closely the question of the financing of your activities.*

Financing of candidates

As an authorized candidate, you must first establish an election fund to accumulate all the amounts collected in support of your candidature and pay all the expenses associated with your election.

To set up your election fund, you must open an account with a provision for return of cleared cheques at a financial institution. This account must be in your name as the authorized candidate, for example: «Jean Tremblay, authorized candidate».

👁️ *Now that you have taken care of opening an account at a financial institution, let's talk about the different sources of financing that are available to you in order to establish your election fund.*

Financing Sources

You have four sources to finance your election campaign:

- elector contributions;
- loans;
- revenues from electoral activities; and
- the reimbursement of part of your election expenses by the director general of the school board.

👁️ *Here is the main source of financing for your campaign: the Elector Contributions.*

Elector Contributions

As an authorized candidate, you may solicit and collect contributions in accordance with the following rules:

- The term “contribution” means a donation in money, a service rendered or a good furnished free of charge by an elector for election purposes. This term also includes any amount of money or any goods or services furnished by the candidate himself for the purpose of becoming elected.
 - Only an elector of a school board may make a contribution. Contributions by legal persons such as a companies or trade unions are prohibited by law.
 - Total contributions from the same elector cannot exceed \$1,000 for each of the candidates per calendar year. An elector can thus contribute to more than one candidate;
 - A pre-numbered receipt must be issued for each contribution. The director general of the school board will give you series of receipts to fill out for this purpose.
 - Any monetary contribution of over \$100 must be made by cheque or any other order of payment. The cheque, made payable to the order of the authorized candidate, must be signed by the elector and be drawn on his own account at a financial institution having an office in Québec.
 - Any monetary contribution of over \$100 is public since it must be itemized in your financial report, which is accessible to the public after it is filed at the office of the director general of the school board.
 - All contributions in goods or services must be valued at the current market price in the region and at the time they are furnished, and receipts must be issued.
 - You may have persons designated in writing to help you solicit donors. The person who receives the contribution must issue the contribution receipt.
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- Finally, you must return any contributions that do not comply with the law to the donor. If the donor cannot be found, you must remit the contribution in question to the director general of the school board.

👁 *Let's now move on to your second possible source of financing : loans.*

Loans

- Any elector of the school board may grant a loan to an authorized candidate in the same school board.
- The loans and guaranties that an elector of the school board grants to one or more authorized candidates of the same school board cannot exceed \$10,000.
- The lender may be the candidate himself.
- In all cases, the loan must be evidenced in writing and granted at the current market rate.
- A recognized financial institution may also grant a loan to an authorized candidate with no prescribed maximum. In such a case, the notion of current market rate is applicable.
- Loans must be repaid by December 31st of the year following the election, at the latest. If all debts resulting from election expenses have not been paid by that date, the candidate becomes ineligible for four years. And, if the candidate has been elected, he loses the right to attend sittings of the council and will not be remunerated. However, these sanctions cease on the day the financial report evidencing the payment of all debts has been transmitted.

👁 *Electoral activities constitute your third source of financing.*

Electoral Activities

Electoral activities are meetings, rallies or activities for which an entrance fee is charged.

- If the entrance fee is greater than \$60, this amount must be considered to be a contribution, and you must issue a receipt to the donor.
- If the entrance fee is not over \$60, you have the option of considering the amount concerned to be a contribution or not. For further information on these particular rules, you are referred to paragraph 6 of section 206.18 of the Act respecting school elections or to pages 13 and 14 of the Guide for the authorized candidate. These documents are appended to this teaching medium.
- Anonymous donations can be accepted only at electoral activities. This is generally called “passing the hat.” Cheques are not permitted in this regard, because the donation would lose its status as an anonymous donation. In addition, the law limits anonymous donations to a maximum of 20% of the total contributions collected in a year.

👁 *Now that you know which are the three main sources of financing, let's examine how one must control his election expenses.*

Control of elections expenses

Are things going well with your election fund? Good, because you will have to incur a number of expenses to conduct your campaign.

The basic rule is as follows: any expense associated with your election must be paid out of your election fund and be authorized by you. In addition, regardless of the nature of the expense, it must be reported in the return of expenses you must file within 90 days of the election.

It is important to clearly distinguish between election expenses and expenses other than election expenses, because they must be handled differently. In this regard, only election expenses affect the permitted expense limit during an election period and can be reimbursed by the school board.

An election expense is defined as the cost of any goods or services used during an election period. An expense other than an election expense refers to an expense used before or after the election period.

As you can see, the time when the goods or services are used determines whether or not the expense is an election expense. Hence, when goods or services are used both during and outside the election period, the part of their cost that constitutes an election expense must be established in proportion to their use during the election period in relation to their use before or after that period.

👁 *Let's now be more specific about what constitutes an election expense.*

Election Expenses

In general, the cost of any goods or services used for the following purposes during an election period is considered by law to be an election expense:

- to promote or oppose, directly or indirectly, the election of a candidate;
- to propagate or oppose the program of a candidate;
- to approve or disapprove courses of action advocated or opposed by a candidate; or
- to approve or disapprove any act done or proposed by a candidate.

Other than advertising expenses, which we will cover later, expenses that are generally admissible are associated with the supply of goods and services such as the rental of premises, insurance, telephone service, the rental of furnishings, office supplies, meal expenses, and transportation expenses.

However, certain goods and services are not considered to be election expenses.

These include:

- charitable work, if performed personally, voluntarily and without payment;
- the cost of any goods or services used outside the election period;
- transportation expenses of any person other than the authorized candidate, paid out of his own money, if the costs are not reimbursed to him;
- the cost of the food and beverages served at an electoral activity where the cost is included in the entrance fee;

- the candidate's personal expenses that have not been reimbursed to him;
- the cost of publishing articles, editorials, news, reports, or letters to the editor;
- the cost of broadcasting a program of public affairs, news or commentary; and
- the provision of air time and advertising space free of charge, if this service is offered equitably, qualitatively and quantitatively, to all candidates for the same office.

With the exception of expenses paid via petty cash, a candidate's election expenses must be authorized by the candidate and paid by cheque drawn on his election fund. However, amounts used to replenish the petty cash must come from the election fund. A petty cash statement must be filed, and the corresponding invoices attached.

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- 👁️ *Let's talk about the supporting documents that you must give to the director general of the school board to obtain a partial reimbursement of your expenses.*

Vouchers

All expenses must be accompanied by vouchers such as:

- invoices;
- samples of advertising material (for example, buttons, posters or Web page);
- the page of a newspaper in which an advertisement was published;
- an attestation of advertising or a photograph for large billboards;
- audio or video cassettes for radio or television advertising.

An invoice of less than \$100 must include at least the following information:

- the name and address of the supplier;
- the date on which the goods or services were supplied;
- a description of the goods or services; and
- the total amount of the expense.

In addition to this information, any invoice over \$100 must indicate all the particulars required for verifying the rate or unit price of the goods or services provided.

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- 👁️ *Advertising expenses fall into a special category when it comes to election expenses.*

Advertising

Advertising expenses are generally the most frequent and are also those that “eat up” the largest part of an election campaign’s budget. In addition, they require the most attention to ensure compliance with the advertising-expense rules set out in the *Act respecting school elections*.


All expenses incurred for the design, preparation, production, and circulation of advertising material used during an election period must be accounted for, without restriction.

All advertising or election material must be identified in accordance with the law to be considered, if applicable, in a claim for reimbursement. For further information, refer to section 206.44 of the Act respecting school elections or to the Guide for the Authorized Candidate. These documents are appended to this didactic medium.

In addition, if the advertising or election material used is not identified in accordance with the law, you will have to consider the expense to be an election expense that affects the permitted expense limit. However, you will not be able to claim reimbursement of this expense because it will not be considered to be in compliance with the law.

Advertising material that has been prepared with your authorization by charitable workers must also be identified in accordance with the law and must include the name of the committee or organization that manufactured the material, as well as the words “Authorized by” followed by your name.

In addition, new information and communication technologies are increasingly omnipresent and used on the Web during election periods. These technologies help to modernize communication and information practices and the rules of the Act regarding electoral practices are applicable and must be respected.

 *In order to ensure greater equity between candidates, the law imposes a limit on election expenses.*

Election Expense Limit

The total amount of your election expenses must not exceed the limit established as follows:

- Like each authorized candidate, you have a basic expense limit of \$2,700.
- In addition, you are allotted the equivalent of \$0.42 per person entered on the list of electors of the electoral division in which you are running for election.

Remember that there is no limit on the cost of any goods or services used outside the election period.

👁️ *You've led your election campaign. You now simply have to produce a financial report and a return of election expenses.*

Return and Report to be Filed

As an authorized candidate, you must file a return of election expenses and a financial report regardless of whether you have collected contributions, incurred expenses or contracted a loan.

These return and report, as well as the vouchers, must be filed at the same time and delivered to the director general of the school board within 90 days after the election is held. These report then become accessible to the public.

👁️ *You've produced your financial report and your return of election expenses. It is now possible for you to ask for a partial reimbursement of your election expenses. You can inform yourself on how and under what conditions.*


Reimbursement of Election Expenses

After examining the return of election expenses and the financial report, the director general of the school board will reimburse part of the election expenses incurred and paid in accordance with the law, out of the general fund of the school board.

Are entitled to a reimbursement:

- elected candidates;
- and
- candidates who have obtained 15% or more of the votes cast in the poll.

The rules establishing the amount of the reimbursement are prescribed by regulation of the Government of Québec and are subject to change. To find out your rights in this regard, consult the Web site of the Chief Electoral Officer or contact the director general of your school board.

 *In conclusion, here are the values and principles that we all must share when it comes to political financing and the control of election expenses.*

Conclusion

Now that you have a better idea of what to expect, you can appreciate the efforts made by the Chief Electoral Officer to ensure that all candidates have an equal chance at the starting line.

In this regard, the rules for financing and the control of election expenses reflect the government's wish to apply the same principles of equity and transparency found in municipal and provincial elections to school elections.

By imposing limits on elector contributions and the amount of election expenses, the legislation incorporates the principle of equity and promotes equal chances for all candidates. In addition, your obligation to file a return and a report that are accessible to the general public reflects a fundamental principle in the law: transparency.

For Further Information

To find out more about any aspect of the electoral process, contact the returning officer of your school board, who can provide you with information and documentation.

You can also obtain any information you may require regarding the financing of candidates and the control of election expenses from the Chief Electoral Officer.

- The Chief Electoral Officer remains at all times the superior supervisory and control authority regarding the financing of candidates and the control of electoral expenses. Among other things, the Chief Electoral Officer, through the returning officer, authorizes candidates to solicit and collect contributions, incur election expenses and contract loans.
- The Chief Electoral Officer organizes information sessions for officials involved in school elections.
- The Chief Electoral Officer also organizes training sessions for authorized candidates throughout the territory of Québec. You are strongly urged to consult the Web site of the CEO to find out the dates and times of these sessions.

You may address your information requests to the Information Centre of the Chief Electoral Officer of Québec by calling toll free at 1-888-ELECTION. (1-888-353-2846)

Web Site : <http://www.electionsquebec.qc.ca>

We hope that many of you will want to devote your time and energies to Québec's education system and that your efforts will be successful. The staff of the Chief Electoral Officer of Québec will also continue their efforts to promote democracy in Québec.



Written information only

RECAP OF THE MAIN REGULATIONS OF CHAPTER XI OF THE ACT RESPECTING SCHOOL ELECTIONS

1. Authorization

Sec. 206.6	✚ Obligation to obtain an authorization to collect contributions, contract loans and incur election expenses
Sec. 206.6	✚ From January 1 st of the general election year, any elector who undertakes to run as a candidate can apply for authorization to the returning officer of his school board. During a by-election, authorization may be granted as of the day when the seat becomes vacant

2. Responsibilities

Sec. 206.22, 206.28, 206.29 and 209	✚ Responsible for financing, election and non election expenses as well as the filing of the report and return of an authorized candidate
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3. Sources of financing

3.1 Account opened at a financial institution

Sec. 206.25 and 206.40	✚ Obligation to open an account at a financial institution with return of cheques and amounts paid into the election fund.
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3.2 Contributions, sec. 206.17

Sec. 206.19	✚ Only an elector of the school board can contribute
Sec. 206.21	✚ Maximum \$1,000 per calendar year and per authorized candidate
Sec. 206.23	✚ Contributions of over \$100 must be made by cheque
Sec. 206.22	✚ Receipt must be issued for every contribution
Sec. 206.26	✚ Any irregular contribution must be returned
Sec. 206.22	✚ Nomination, in writing, of canvassers

3.3 Electoral activities

Sec. 206.18,6°	<ul style="list-style-type: none">\$60 per day or less: is not a contribution, at the option of the authorized candidate, up to one admission per personOver \$60 per day: must be considered as a contribution
Sec. 206.18,2°	<ul style="list-style-type: none">Anonymous donations received during a meeting or rally held for electoral purposes
Sec. 206.27	<ul style="list-style-type: none">Anonymous donations limited to 20% of all contributions received during the year. The excess must be remitted to the school board

3.4 Loans

Sec. 206.18,4°	<ul style="list-style-type: none">Obtained from an elector of the school board or a financial institution that has an office in QuébecGoing market rate of interest
Sec. 206.18,5°	<ul style="list-style-type: none">Only an elector can surety a loan
Sec. 206.6 and 206.29	<ul style="list-style-type: none">Only the authorized candidate can contract a loan from an elector or a financial institution
Sec. 206.29	<ul style="list-style-type: none">The loan must be evidenced in writing
Sec. 206.30	<ul style="list-style-type: none">Maximum \$10,000 per elector (total of loans and bonds)

3.5 Other sources

	Reimbursements envisaged under the Act:
Sec. 207	<ul style="list-style-type: none">Election expenses

4. Non election expenses

Sec. 206.28	<ul style="list-style-type: none">Expenses other than election expenses are incurred only by the authorized candidate
Sec. 206.31	<ul style="list-style-type: none">The authorized candidate must pay interest on loans at least yearly

5. Election expenses

Sec. 206.34	✚ Definition: is the cost of any good or service used during the electoral period to, notably, promote or oppose the election of a candidate
Sec. 206.36	✚ Main exceptions
Sec. 206.36,3°	✚ Transportation cost paid by any person and not reimbursed
Sec. 206.43	✚ Volunteer work
Sec. 206.38	✚ Only the authorized candidate can incur or authorize an election expense
Sec. 206.39 and 206.40	✚ The cost of an election expense can only be paid from the election fund that is made up of amounts collected by the authorized candidate in accordance with the Act
Sec. 206.48	✚ Every payment must be justified by a invoice ✚ Every invoice of \$100 or more must be itemized
Sec. 206.50	✚ Before of filing his return, the authorized candidate must have paid all claims received latest the 60 th day after polling day

6. Election period

Sec. 206.1	✚ Starts the 44 th day before polling day and ends with the closing of polling stations. All election expenses must be included
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7. Advertising expenses

Sec. 206.44	Any advertising must be identified ✚ Printed material: Name of the printer or manufacturer + the words “authorized by” as well as the candidate’s name and the title “authorized candidate” ✚ Newspaper and electronic media (radio, television): The words “authorized by” as well as the candidate’s name and the title “authorized candidate” ✚ Internet: The words “authorized by” as well as the candidate’s name and the title “authorized candidate”
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8. Election expense limit, sec. 206.47

Base of \$2,700 plus:

- ✚ \$0.42 per person entered in the electoral division

9. Reports to be produced

1. Financial report and return of election expenses (CA)

Timeline Sec. 209 and 209.4	✚ The report and return prescribed by the Chief Electoral Officer must be transmitted to the director general of the school board within 90 days after polling day
Contents of the return of election expenses Sec. 209.4	✚ Have a declaration by the authorized candidate that mentions that all election expenses are included in the return and that he has paid them all
Documents required Sec. 209.4	✚ The report must be accompanied by original invoices, receipts, deposit slips, bank deposit books and other vouchers
Contents of the financial report of a CA Sec. 209.1	Must contain a statement of inflows and outflows of funds that show: <ul style="list-style-type: none">✚ Contributions amounting to \$100 or more with the name and address of every donor✚ Contributions of \$100 or less✚ Any other revenue (see financing section)✚ Any non-election expense incurred from January 1st (date of the vacancy in the case of a by-election) and the total election expenses
Accessibility Sec. 30.9,1°	✚ All reports and returns are accessible to the public as soon as they are received

10. Reimbursement of election expenses, sec. 207

- ✚ Based on the regulations determined by regulation c.E-2.3, r.3, the director general of the school board reimburses, from the general funds of the school board, the election expenses entered in the return and incurred and paid in accordance with the Act.
- ✚ This reimbursement is made to the authorized candidate who is elected or who obtained at least 15% of the votes cast (valid).
- ✚ However, the reimbursement cannot exceed the total

debts arising from election expenses and the personal contribution of the authorized candidate

11. Violations, sanctions and penalties

Sec. 209.27 and 209.28	If a report or return is not filed: ✚ For an elected candidate, loss of the right to attend the sittings of the council of commissioners and of any committee or commission of the school board as long as the report is not filed
Sec. 21.1	✚ For a person who is not elected, cannot run as long as the report is not filed
Sec. 220 à 223.3	✚ Legal action and penalties for other violations