
Extracts of the

Election Act

**The financing of political parties,
independent Members of the National Assembly,
independent candidates and
political party leadership campaigns and
the control of election expenses**



**LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC**

FOREWORD

This publication is an administrative codification which groups the provisions of the Election Act (chapter E-3.3) with regard to the financing of political parties, independent Members of the National Assembly, 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.

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

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INFORMATION PERTAINING TO THE ELECTION ACT

The Election Act (1989, c. 1), approved March 22, 1989 and effective April 24, 1989, except subparagraph 4 of the first paragraph of section 1 which came into force on April 15, 1990, has been modified by the following acts:

1990, c. 4	2001, c. 2	2011, c. 21
1991, c. 48	2001, c. 13	2011, c. 27
1991, c. 73	2001, c. 26	2011, c. 38
1992, c. 38	2001, c. 45	2012, c. 26
1992, c. 21	2001, c. 72	2013, c. 5
1992, c. 61	2002, c. 6	2013, c. 13
1994, c. 18	2002, c. 10	2013, c. 16
1994, c. 23	2004, c. 36	2014, c. 1
1995, c. 23	2005, c. 7	2015, c. 6
1996, c. 2	2006, c. 17	2015, c. 15
1997, c. 8	2006, c. 22	2016, c. 7
1998, c. 52	2007, c. 29	2016, c. 18
1999, c. 15	2008, c. 22	
1999, c. 25	2009, c. 11	
1999, c. 40	2010, c. 32	
2000, c. 8	2010, c. 35	
2000, c. 15	2010, c. 36	
2000, c. 29	2011, c. 5	
2000, c. 59	2011, c. 19	

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Chapter E-3.3

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TITLE I ELECTORS

CHAPTER I QUALIFIED ELECTORS

- Qualification. **1.** Every person who
- (1) has attained eighteen years of age;
 - (2) is a Canadian citizen;
 - (3) has been domiciled in Québec for six months;
 - (4) is not under curatorship; and
 - (5) is not deprived of election rights pursuant to this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E- 2.2) or the Act respecting school elections (chapter E- 2.3).

Domicile. The domicile of a person is the domicile established under the Civil Code.

1989, c. 1, s. 1; 1992, c. 38, s. 1; 1995, c. 23, s. 5; 1997, c. 8; s. 1; 2006, c. 17, s. 1; 2010, c. 32, s. 1.

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TITLE III

AUTHORIZATION AND FINANCING OF POLITICAL PARTIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES, AND FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS

1998, c. 52, s. 4; 2011, c. 38, s. 1.

CHAPTER I

AUTHORIZATION OF POLITICAL PARTIES, PARTY AUTHORITIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES

1998, c. 52, s. 4.

DIVISION I

GENERAL PROVISIONS

Authorization of Chief
Electoral Officer.

41. Every political party, party authority, independent Member or independent candidate wishing to solicit or collect contributions or to incur expenses or contract loans shall obtain an authorization from the Chief Electoral Officer in accordance with this chapter.

“independent candidate”.

For the purposes of this Act, the expression “independent candidate” includes any person who, at the time of the person’s application for authorization, undertakes to run as an independent candidate.

Independent Member.

For the purposes of this Act, an independent Member is a Member of the National Assembly who belongs to no authorized political party.

1989, c. 1, s. 41; 1998, c. 52, s. 5; 2008, c. 22, s. 8.

Official representative.

42. A party, a party authority, an independent Member or an independent candidate soliciting authorization shall have an official representative designated in writing by the leader of the party or by the person designated in writing by the leader, by the independent Member or by the independent candidate, as the case may be.

1989, c. 1, s. 42; 1992, c. 38, s. 9; 2008, c. 22, s. 9.

Official representative.

43. Only one official representative shall be appointed for each authorized entity.

Delegates.

The official representative of an authorized party may, however, with the written approval of the leader of the party, appoint not more than one delegate for each electoral division.

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- Authorized entity. A political party, a party authority, an independent Member or an independent candidate holding an authorization under this chapter is an authorized entity.
1989, c. 1, s. 43; 1998, c. 52, s. 6.
- Authorizations. **44.** From the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the Chief Electoral Officer may grant authorizations, taking into account the new electoral divisions.
- Delegates. From the publication referred to in the first paragraph, the official representative of a party may, in accordance with the second paragraph of section 43, appoint a delegate for each of the new electoral divisions.
1989, c. 1, s. 44.
- Disqualification. **45.** A person cannot be an official representative or delegate if
- (1) he is not a qualified elector;
 - (2) he is a candidate or the leader of a party; or
 - (3) he is an election officer or an employee of an election officer.
- 1989, c. 1, s. 45.
- 45.1.** Within 30 days after being appointed, official representatives and delegates shall undergo training given by the Chief Electoral Officer on political financing rules.
- Official representatives and delegates shall also undergo any refresher training given by the Chief Electoral Officer.
- The Chief Electoral Officer shall, by directive, determine the other particulars regarding all such training.
- The persons in office on 1 January 2017 must undergo the training required under section 45.1 before 1 January 2018 (2016, c. 18, s. 54)*
- 2016, c. 18, s. 2.
- Resignation. **46.** An official representative or a delegate may resign by sending a written notice to that effect to the Chief Electoral Officer and to the person referred to in section 42.
- Financial report. Within 30 days of resigning, the official representative shall file with the party, the party authority, the independent Member or the independent candidate a financial report, with vouchers, covering the period during which he was in office.

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New representative. Where an authorized entity no longer has an official representative, another official representative shall be designated without delay and the Chief Electoral Officer shall be so informed in writing.

Notice. The Chief Electoral Officer shall publish, in the *Gazette officielle du Québec*, a notice of the resignation or replacement of an official representative or of a delegate.

1989, c. 1, s. 46; 1992, c. 38, s. 10; 1998, c. 52, s. 7.

DIVISION II

AUTHORIZATION OF A POLITICAL PARTY

Application. **47.** A political party applying for authorization must submit with its application to the Chief Electoral Officer the names, addresses, membership card numbers and expiration dates and signatures of at least 100 members of the party who are qualified electors and in favour of the application for authorization.

Required deposit. The application must also be accompanied with a deposit of \$500, refundable upon the filing of the first financial report of the party under section 113 or upon the filing of the closing financial report under section 67.

1989, c. 1, s. 47; 1998, c. 52, s. 8; 2004, c. 36, s. 1.

Name reservation. **47.1.** Before filing an application for authorization, a party may reserve a name for a period not exceeding six months by transmitting a written application to that effect to the Chief Electoral Officer.

Provisions applicable. The second and third paragraphs of section 50 apply to the application, with the necessary modifications.

Change of name. A party having reserved a name may, however, change the name in its application for authorization.

1998, c. 52, s. 9.

Required information. **48.** A party applying for authorization shall furnish the following information to the Chief Electoral Officer:

- (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;
- (3) the addresses where the books and accounts pertaining to contributions the party will receive and the expenses it will incur are to be kept;
- (4) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (5) the name, address and telephone number of the leader and of two officers of the party;

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(6) the addresses of not more than two permanent offices of the party, where applicable.

1989, c. 1, s. 48; 1998, c. 52, s. 10.

Sworn statement. **49.** A party applying for authorization shall also declare, in a sworn statement made by its leader, the amount of the funds at its disposal, and that any money collected by it after 1 April 1978 was collected in accordance with this title.

Sums collected after 1 April 1978. The party shall remit to the Chief Electoral Officer, together with its application for authorization, any sum of money collected after 1 April 1978 contrary to this title.

Minister of Finance. The Chief Electoral Officer shall remit any sum received under the preceding paragraph to the Minister of Finance.

1989, c. 1, s. 49.

Authorization. **50.** The Chief Electoral Officer shall grant the authorization if the conditions provided in sections 47, 48 and 49 are met.

Refusal. The Chief Electoral Officer shall, however, refuse to authorize a party if the name of the party includes the word “independent”.

Refusal. He shall also refuse to authorize a party if the name of the party is substantially the same as that of an authorized party or of a party that has ceased to be an authorized party, and is likely to mislead the electors as to which party they are supporting.

1989, c. 1, s. 50; 1992, c. 38, s. 11.

Change of name. **51.** An authorized party wishing to change its name shall, through its leader, apply therefor in writing to the Chief Electoral Officer.

Resolution. The application must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.

Applicable provisions. The provisions of the second and third paragraphs of section 50 apply to the application.

Effect. Where an application for a name change is received by the Chief Electoral Officer after the issue of an order instituting an election, the change cannot take effect until the date of the publication of the notice referred to in section 380.

1989, c. 1, s. 51; 1992, c. 38, s. 12; 1998, c. 52, s. 11; 1999, c. 15, s. 7.

51.1. An authorized party must at all times have at least 100 members who are qualified electors and hold a valid membership card.

2011, c. 5, s. 2.

51.2. Not later than 30 April each year, an authorized party must send to the Chief Electoral Officer a list showing the names and addresses of 100 members who meet the conditions set out in section 51.1.

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. 2.

DIVISION III

AUTHORIZATION OF A PARTY AUTHORITY

Authorization. **52.** The Chief Electoral Officer shall grant authorization to a party authority upon a written application of the leader of the authorized party or of the person designated in writing by the leader, and upon production of the following information:

- (1) the name of the party authority;
- (2) the address to which communications intended for the party authority must be sent;
- (3) the addresses where the books and accounts pertaining to the contributions it will receive and the expenses it will incur are to be kept;
- (4) the name, address and telephone number of the official representative of the party authority.

Party authority. The organization of a political party at the level of an electoral division, of a region or of Québec is a party authority.

1989, c. 1, s. 52.

DIVISION IV

MERGER OF AUTHORIZED PARTIES

Advise to CEO. **53.** Where authorized parties wish to merge, their leaders shall so advise the Chief Electoral Officer.

1989, c. 1, s. 53; 1998 c. 52, s. 12.

Merger notice. **54.** The merger notice shall be given jointly and in writing.

Requirements. The notice shall

- (1) indicate the name of the party to result from the merger;
- (2) produce, in respect of the party that will result from the merger, the information contemplated in section 48;

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(3) indicate how each of the party authorities of the applying parties will be affected by the proposed merger;

(4) produce, for each of the party authorities of the party that will result from the merger, the information contemplated in section 52;

(5) indicate the date of merger.

- Resolution. The merger notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of each party concerned and certified by two or more officers of each of the parties.
1989, c. 1, s. 54; 1992, c. 38, s. 13; 1998, c. 52, s. 13.
- Merger. **56.** From the merger, the parties and their party authorities cease to exist and are replaced by the party and the party authorities resulting from the merger.
- Rights and obligations. The party and the party authorities resulting from a merger succeed to the rights and obligations of the merged parties and party authorities.
- Financial statement. Each of the parties and of their party authorities shall forward to the Chief Electoral Officer, within 60 days after the merger, the financial statement for the period that has elapsed from the preceding 31 December to the date of the merger.
1989, c. 1, s. 56.
- Notice. **57.** The Chief Electoral Officer shall publish a notice of any merger in the *Gazette officielle du Québec* and post the notice on the Chief Electoral Officer's website.
- Content of notice. The notice shall indicate the name of the official representative of the party resulting from the merger and, as the case may be, the names of its delegates. It shall, in addition, indicate the name of the official representative of each of its party authorities.
1989, c. 1, s. 57; 2008, c. 22, s. 10.
- Financial statements. **58.** The official representatives of the party and party authorities resulting from the merger shall, not later than 1 April of the year immediately following that of the merger, file the financial statements required by sections 113 and 117 for that part of the fiscal year that has elapsed since the merger.
- Balance sheet. The financial statement of the party must be accompanied with an opening balance sheet on the date of the merger. The financial statement of each party authority resulting from the merger must indicate the cash balance on the date of the merger.
1989, c. 1, s. 58.

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DIVISION V

AUTHORIZATION OF AN INDEPENDENT CANDIDATE OR OF A MEMBER OF THE NATIONAL ASSEMBLY WHO BECOMES AN INDEPENDENT

1998, c. 52, s. 15.

- Authorization. **59.** The Chief Electoral Officer or any person designated by him shall grant an authorization to every independent candidate who applies to him therefor in writing and who furnishes him with the following information:
- (1) his name, the address of his domicile and his telephone number;
 - (2) the name of the electoral division in which he is a candidate;
 - (3) the address to which communications intended for him must be sent;
 - (4) the address where the books and accounts pertaining to the contributions he will receive and the expenses he will incur are to be kept;
 - (5) the name, address and telephone number of his official representative.
- Official agent. During the period for filing nomination papers, an application for authorization may be made on the form prescribed for the nomination paper, and the candidate's official representative is the official agent designated by the candidate on the nomination paper.
- 1989, c. 1, s. 59; 1998, c. 52, s. 16; 2008, c. 22, s. 11.
- Application for authorization. **59.1.** 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 from the expiry of a period of three years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.
- 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 from the date on which the seat becomes vacant.
- Contents. The application for authorization must contain the information referred to in section 59 as well as the signatures and addresses of at least 100 electors of the electoral division declaring that they support the application.
- Official agent. Upon the filing of the nomination paper, the candidate's official representative becomes the candidate's official agent.
- 1998, c. 52, s. 17; 2001, c. 72, s. 6.

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- Contributions. **60.** The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.
- Contributions after polling day. After polling day, the authorization granted to an independent candidate who was not elected entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from his election expenses and to dispose, in accordance with the second paragraph of section 441, of the sums and property derived from his election fund.
1989, c. 1, s. 60; 1998, c. 52, s. 18.
- Expiry of authorization. **61.** The authorization granted to an independent candidate who was not elected expires on 31 December of the year immediately following the election year.
- Expiry of authorization. The authorization of an independent candidate who was elected expires as soon as the person ceases to sit as an independent Member in the National Assembly, unless the candidate runs again as an independent candidate.
1989, c. 1, s. 61; 1992, c. 38, s. 14; 1998, c. 52, s. 19.
- Withdrawal. **62.** In the case of an authorized independent candidate who withdraws before polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from election expenses incurred by the candidate before his withdrawal, and to dispose, in accordance with the second paragraph of section 441, of the sums and property remaining in his election fund on the day of his withdrawal.
- Applicable provision. Section 125 applies to the candidate.
1989, c. 1, s. 62.
- Application. **62.1.** An application for authorization made by a Member of the National Assembly who becomes an independent without having been elected as such must be in writing and contain the information referred to in section 59, with the necessary modifications.
1998, c. 52, s. 20; 2008, c. 22, s. 12.

DIVISION VI **MISCELLANEOUS PROVISIONS**

- Verification of application. **63.** The Chief Electoral Officer may take any necessary measures to verify the accuracy of the information provided in support of an application for authorization.

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- Refusal. The Chief Electoral Officer, where he intends to refuse an application, shall give the party, party authority, independent Member or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.
1989, c. 1, s. 63; 1998, c. 52, s. 21.
- Public notice. **64.** Upon granting authorization to an entity, the Chief Electoral Officer shall publish a notice of it in the *Gazette officielle du Québec* and post the notice on the Chief Electoral Officer's website.
- Contents. The notice shall indicate the name of the official representative, and those of his delegates, if any.
1989, c. 1, s. 64; 1998, c. 52, s. 22; 2008, c. 22, s. 13.
- Registers. **65.** The Chief Electoral Officer shall keep registers of the entities he has authorized, setting out the information required under sections 48, 52, 59 and 62.1. The name, address and telephone number of the official agent of each authorized party and candidate and, if applicable, the official agent's deputies shall also be set out in the registers. In addition, an entry shall be made in the registers to indicate whether or not the persons subject to section 45.1 or 408.1 have undergone the training required under the first paragraph of those sections.
- Updating. Every authorized entity shall, without delay, furnish the Chief Electoral Officer, in writing, with the information required for updating the registers.
- Information. The information shall be furnished by the leader of the party or the person designated by him in writing, under section 42, or, as the case may be, by the independent candidate or the independent Member.
1989, c. 1, s. 65; 1998, c. 52, s. 23; 2008, c. 22, s. 14; 2016, c. 18, s. 3.
- Transmission of by-laws. **65.1.** Within six months after being authorized, a party must transmit to the Chief Electoral Officer a copy of its by-laws duly adopted by its members at a general meeting.
- Transmission of amendments. An authorized party must also transmit to the Chief Electoral Officer a copy of any amendments to its by-laws for updating purposes.
1998, c. 52, s. 24.
- Appointment of interim leader. **66.** Where the office of leader of an authorized party becomes vacant, the party shall, within 30 days, appoint an interim leader for the purposes of this Act and notify the Chief Electoral Officer of the appointment.
- Resolution. The notice must be signed by an officer of the party and be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party, and certified by two or more officers of the party.
1989, c. 1, s. 66; 1998, c. 52, s. 25; 2008, c. 22, s. 15.

DIVISION VII

WITHDRAWAL OF AUTHORIZATION

- Application for withdrawal. **67.** The Chief Electoral Officer may, upon the written application of the leader, withdraw the authorization of a party or of any of its party authorities. The Chief Electoral Officer may, upon the written application of an authorized independent Member or of an authorized independent candidate, withdraw the authorization of the Member or candidate unless the debts arising from that person's election expenses have not been fully paid.
- Financial report. The application must be accompanied with a closing financial report of the entity contemplated in the application, for the period that has elapsed from the date of authorization or the preceding 31 December, as the case may be, to the date of the application for withdrawal of authorization. The report shall include the same information as the annual financial report described in section 113.
- Financial report. The application must also be accompanied with the financial report for the preceding fiscal year if it has not been filed.
- Filing of reports. The reports shall be filed by the last official representative or, failing that, by the leader of the party, by the independent Member or by the independent candidate.
- Resolution. In the case of a party or a party authority, the application must also be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.
1989, c. 1, s. 67; 1998, c. 52, s. 26; 2008, c. 22, s. 16.
- Information omitted. **68.** The Chief Electoral Officer may withdraw the authorization of an authorized entity which does not furnish him with the information required for the purposes of the updating of the registers provided for in section 65 or, as the case may be, which does not comply with Division IV of Chapter II, regarding the auditor, or whose official representative does not comply with Division III of Chapter II, regarding expenses and loans of entities, or with Division V of Chapter II, regarding financial reports.

In addition, the Chief Electoral Officer must withdraw the authorization of a party which does not comply with section 51.1 and may withdraw the authorization of a party which does not provide the information required under section 51.2.
1989, c. 1, s. 68; 2011, c. 5, s. 3.

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- Withdrawal. **69.** The Chief Electoral Officer shall withdraw the authorization of any independent Member if the Member joins a political party.
1989, c. 1, s. 69; 1998, c. 52, s. 27; 2001, c. 2, s. 2; 2004, c. 36, s. 2.
- Death of candidate. **70.** The Chief Electoral Officer shall withdraw his authorization from an independent candidate or an independent Member who dies.
- Withdrawal. The Chief Electoral Officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.
1989, c. 1, s. 70; 1998, c. 52, s. 28.
- Hearing. **71.** The Chief Electoral Officer, where he intends to withdraw his authorization from an entity under section 67 or 68, shall give the party, party authority, independent Member or candidate, as the case may be, the reasons for his intention and an opportunity to be heard.
1989, c. 1, s. 71; 1998, c. 52, s. 29.
- Public notice. **72.** Upon withdrawing an authorization, the Chief Electoral Officer shall publish a notice of it in the *Gazette officielle du Québec* and post the notice on the Chief Electoral Officer's website.
- Contents. The notice that an authorization has been withdrawn shall indicate the name of the official representative and those of his delegates, if any.
1989, c. 1, s. 72; 1998, c. 52, s. 30; 2008, c. 22, s. 17.
- Effect of withdrawal. **73.** The withdrawal of authorization from a party entails the withdrawal of authorization from all its party authorities.
- Transition. Where the authorization of a party is withdrawn during the election period, the Chief Electoral Officer may prescribe changes to ensure the transition from the status of party candidate to that of authorized independent candidate.
1989, c. 1, s. 73.
- Remaining assets. **74.** Where an independent candidate ceases to be authorized pursuant to an application filed under section 67, the sums and property remaining in his possession shall be remitted, without delay, by his official representative to the Chief Electoral Officer, who shall remit them to the Minister of Finance.
- Applicable provisions. If an independent candidate ceases to be authorized under sections 68 and 70, sections 76, 77, 79 and 80, adapted as required, apply.
1989, c. 1, s. 74.

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- Provisions applicable. **74.1.** If an independent Member ceases to be authorized either following an application filed under section 67, because he has joined an authorized party, because he has died or because he has decided not to run again on the expiry of his term of office, sections 76, 77 and 80 apply, with the necessary modifications.
- Surplus. Any surplus shall, after the payment of debts, be remitted to the authorized party which the independent Member has joined or, in other cases, to the Minister of Finance.
1998, c. 52, s. 31; 2008, c. 22, s. 18.
- Remaining assets. **75.** Where a party authority ceases to be authorized, without the party being so affected, the sums and assets remaining in its possession shall be remitted to the official representative of the party by the person holding them.
- Financial reports. The authority shall also file with the Chief Electoral Officer, within 60 days after the withdrawal of authorization, the financial reports prescribed in section 67, unless the reports have already been filed.
- Rights and obligations. The party shall succeed to the rights and obligations of the party authority which has ceased to be authorized.
1989, c. 1, s. 75.
- Remaining assets. **76.** Where a party ceases to be authorized, the sums and assets of the party and party authorities shall be remitted without delay to the Chief Electoral Officer by the persons holding them.
- Financial reports. The party and each of its party authorities shall also file with the Chief Electoral Officer, within 60 days following the withdrawal of authorization, the financial reports required in section 67 and the name and full address of each of their creditors and the amount due to each creditor.
- Books and accounts. The Chief Electoral Officer may require the party and its party authorities to remit to him any book, account or document relating to their financial affairs.
1989, c. 1, s. 76.
- Liquidation of assets. **77.** The Chief Electoral Officer shall liquidate the assets of the party and those of each of its party authorities separately.
- Debts. He shall discharge the debts of the party and party authorities up to the amount of their respective assets.
1989, c. 1, s. 77.

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Surplus. **78.** After complying with section 77, the Chief Electoral Officer shall use any surplus of assets over liabilities of the party or of the party authorities to pay, *pro rata*, any creditors who have not been paid in full.

1989, c. 1, s. 78.

Balance. **79.** After payment of the debts, the balance, if any, shall be paid to the Minister of Finance.

1989, c. 1, s. 79.

Account for liquidation. **80.** For the purposes of the liquidation of the assets of a party and its party authorities which cease to be authorized, the Chief Electoral Officer may open accounts in a bank, trust company or financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3) having an office in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

1989, c. 1, s. 80; 1988, c. 64, s. 587; 2000, c. 29, s. 645.

CHAPTER II

FINANCING OF PARTIES, INDEPENDENT MEMBERS AND INDEPENDENT CANDIDATES

1998, c. 52, s. 32.

DIVISION I

PUBLIC FINANCING OF POLITICAL PARTIES

81. The Chief Electoral Officer shall determine, after each general election, the annual allowance that may be paid to the authorized parties under section 82. The allowance is revised annually.

Allowance. The allowance is paid on a monthly or quarterly basis after consultation with the authorized party concerned.

1989, c. 1, s. 81; 2012, c. 26, s. 1.

Calculation of allowance. **82.** The allowance shall be computed by dividing between the authorized parties, proportionately to the percentage of the valid votes obtained by them at the last general election, a sum equal to the product obtained by multiplying the amount of \$1.50 by the number of electors entered on the lists of electors used at that election.

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The amount provided in the first paragraph is adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount computed on the basis of the index includes a decimal, the decimal is rounded off to the higher digit if it is equal to or greater than 5 and, if not, to the lower digit. The Chief Electoral Officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.

1989, c. 1, s. 82; 1992, c. 38, s. 15; 2010, c. 36, s. 1; 2012, c. 26, s. 2.

NOTE *See notice of indexation; (2016) 148 G.O. 1, 184.*

82.1. Within 10 days of the order instituting the holding of a general election, the Chief Electoral Officer shall pay an additional allowance to the authorized parties referred to in section 82.

This additional allowance is calculated following the modalities provided in the first paragraph of section 82 by replacing the amount therein by \$1.00.

2012, c. 26, s. 3.

82.2. The Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines,

(1) \$2.50 for each dollar contributed to an authorized party up to an annual amount of \$20,000 paid in contributions to each party;

(2) in addition to the contributions referred to in subparagraph 1 of this paragraph, \$1.00 for each dollar contributed to an authorized party up to an annual amount of \$200,000 paid in contributions to each party.

During a general election, in addition to the amounts provided for in the first paragraph, the Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines,

(1) \$2.50 for each additional dollar contributed to an authorized party for that election, up to \$20,000 paid in contributions to each party;

(2) in addition to the contributions referred to in subparagraph 1 of this paragraph, \$1.00 for each additional dollar contributed to an authorized party for that election, up to \$200,000 paid in contributions to each party.

2012, c. 26, s. 3.

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82.3. To be entitled to receive the amounts provided for in section 82.2, a party that has been authorized since the last general election and that is not entitled to receive the allowance provided for in section 81 must submit to the Chief Electoral Officer, in the manner the Chief Electoral Officer determines,

(1) a list of the name and address of at least 1,000 members who meet the conditions set out in section 51.1; or

(2) a list of the name and address of at least 500 members who meet the conditions set out in section 51.1 and come from at least 10 administrative regions having at least 25 members each.

The Chief Electoral Officer may take any measures necessary to verify the information provided under the first paragraph.

2012, c. 26, s. 3.

82.4. The Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines, \$2.50 for each dollar contributed to an independent Member or independent candidate, up to an annual amount of \$800 paid in contributions, to each Member or candidate.

2012, c. 26, s. 3.

Use of allowance. **83.** The sums provided for in sections 82 to 82.2 and 82.4 are used to defray expenses related in particular to day-to-day operations, the propagation of a political program, the coordination of the political activities of the members or supporters of a party and election expenses. They are also used to reimburse the principal of loans.

1989, c. 1, s. 83; 2012, c. 26, s. 4.

Mode of payment. **84.** The sums provided for in sections 82 to 82.2 and 82.4 are paid by cheque made to the order of the official representative of the party, the independent Member or the independent candidate. These sums may also be paid by means of a transfer of funds to an account held by the official representative.

1989, c. 1, s. 84; 2008, c. 22, s. 19; 2012, c. 26, s. 5.

Reimbursement. **85.** Upon receipt of a certificate signed by the Chief Electoral Officer setting out the amount he has paid to an official representative, the Minister of Finance shall reimburse the amount set out in the certificate to the Chief Electoral Officer.

1989, c. 1, s. 85.

ELECTION ACT

Publication of summary statement. **86.** Not later than 1 April each year, the Chief Electoral Officer shall publish, in the *Gazette officielle du Québec*, a summary statement of every amount paid to the official representative of a political party, an independent Member or an independent candidate under this division.

1989, c. 1, s. 86; 2008, c. 22, s. 20; 2012, c. 26, s. 6.

DIVISION II **CONTRIBUTIONS**

Contributor. **87.** Only an elector may make a contribution.

Restriction. He shall do so only in favour of an authorized entity and only in accordance with this division.

1989, c. 1, s. 87.

Contributions. **88.** Sums of money donated to an authorized entity and services rendered and goods furnished to it free of charge for political purposes are contributions.

Exceptions. The following are not contributions:

(1) volunteer work performed personally and voluntarily, the result of such work and the use of a personal vehicle for that purpose, provided they are performed or provided without compensation and for no consideration;

(2) *(paragraph repealed)*;

(3) amounts paid to an authorized entity under any legislative provision;

(4) a loan granted for political purposes by an elector, in accordance with sections 105 and 105.1, or a bank, trust company or financial services cooperative at the current market rate of interest at the time it is granted;

(4.1) a suretyship contracted by an elector in accordance with sections 105 and 105.1;

(5) an annual amount of not over \$25 paid by a natural person as dues of membership in a political party;

(6) an entrance fee to a political activity, where the fee does not exceed the real cost of this activity by more than 5%, up to one admission per person. The sums that exceed the real cost of the activity by more than 5% must be remitted to the Chief Electoral Officer, within 30 days of the Chief Electoral Officer's request, who then remits the sums to the Minister of Finance;

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

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(7) air time on the radio or television or space in a newspaper, periodical or other printed matter made available free of charge outside an election period by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter to authorized political parties, provided he offers such service equitably as to quality and quantity to the parties represented in the National Assembly and to the parties which received at least 3% of the valid votes in the last general election;

(8) transfers of funds between

(a) the various authorized party authorities;

(b) an authorized party and any of its authorized party authorities; or

(c) an authorized party, any of its authorized party authorities and the official agent of an official candidate of the party;

(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 417 referred to in section 127.11;

(10) remaining sums of money transferred in accordance with section 127.18.

A political activity is an activity held by an authorized entity that is not aimed at raising funds for the entity.

1989, c. 1, s. 88; 1992, c. 38, s. 16; 1999, c. 40, s. 116; 2000, c. 29, s. 646; 2008, c. 22, s. 21, 2010, c. 32, s. 2; 2011, c. 38, s. 2; 2012, c. 26, s. 7; 2016, c. 18, s. 4.

Contributions. **89.** Every sum of money, except sums spent in accordance with paragraphs 5, 6, 7 and 7.1 of section 404, disbursed by a candidate for payment by him or through his official agent of an election expense is deemed to be a contribution.

1989, c. 1, s. 89; 1992, c. 38, s. 17.

Personal property. **90.** Every contribution must be made by the elector himself out of his own property. Contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.

1989, c. 1, s. 90; 2010, c. 32, s. 3.

Maximum amount. **91.** Except for a contribution described in section 127.7, the total of contributions for the benefit of each party, independent Member and independent candidate by the same elector during the same calendar year shall not exceed the amount of \$100. In the case of a party, the amount may be paid in whole or in part for the benefit of one or another of its party authorities.

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In addition to the contributions referred to in the first paragraph, an elector from an electoral division in which an election is held may make, for that election, contributions for a total amount not exceeding \$100 for the benefit of each of the parties, independent Members and independent candidates.

The contributions referred to in the second paragraph may be made,

(1) for a general election to be held under the second paragraph of section 129, during the entire calendar year in which the election is held;

(2) for a general election to be held under the first paragraph of section 129.2, during the entire calendar year in which the election is held and the entire calendar year preceding that year;

(3) for a general election to be held under the first paragraph of section 131, as of the day following the issue of the order instituting the election and up to the 90th day after polling day; and

(4) for a by-election, as of the date on which the seat becomes vacant up to the 30th day after polling day.

Value of goods and services.

Goods and services furnished to an authorized entity are assessed, if they are furnished by a trader in the ordinary course of business of his enterprise, at the lowest price at which he offers his goods or services to the public at the time when they are furnished.

Value of goods and services.

In the other cases, goods and services are assessed at the lowest market retail price in the region in which and at the time when they are offered to the public in the ordinary course of business.

1989, c. 1, s. 91; 1998, c. 52, s. 33; 1999, c. 40, s. 116; 2010, c. 32, s. 4; 2010, c. 35, s. 1; 2011, c. 38, s. 3; 2012, c. 26, s. 8; 2013, c. 13, s. 2.

Authorized person.

92. Contributions shall not be solicited except under the responsibility of the official representative of an authorized entity, or except through persons designated in writing by the official representative.

Certificate.

Every person authorized to solicit contributions shall, on demand, produce a certificate signed by the official representative, attesting his authority.

1989, c. 1, s. 92.

93. A contribution shall be paid to no one except the Chief Electoral Officer for the benefit of an authorized entity.

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However, a cash contribution of \$50 or less or a contribution described in the fourth or fifth paragraph of section 91 may be paid or made to the official representative of the authorized entity or the persons designated in writing by the official representative in accordance with section 92.

1989, c. 1, s. 93; 2010, c. 35, s. 2; 2012, c. 26, s. 9.

93.1. As soon as the Chief Electoral Officer receives a contribution, the Chief Electoral Officer shall inform the authorized entity for whose benefit the contribution has been paid.

Not later than 30 working days after a contribution is cashed, the Chief Electoral Officer shall post on the Chief Electoral Officer's website the name of the elector, the city and postal code of the elector's domicile, the amount paid and the name of the authorized party, the authorized independent Member or the authorized independent candidate for whose benefit the contribution was paid.

2010, c. 35, s. 3.

Powers of the delegate.

94. The delegate of the official representative of an authorized party has, for the electoral division for which he is appointed, the powers conferred on the party's official representative by sections 92, 93, 96 and 102.

1989, c. 1, s. 94.

Cheques.

95. Every contribution of money of more than \$50 is made by cheque or other order of payment signed by the elector and drawn on his account in a bank, trust company or financial services cooperative having an office in Québec. However, such a contribution may also be made, in accordance with the directives of the Chief Electoral Officer, by means of a credit card.

1989, c. 1, s. 95; 1992, c. 38, s. 18; 2001, c. 2, s. 4; 2000, c. 29, s. 647; 2010, c. 35, s. 4; 2012, c. 26, s. 10.

95.1. Every contribution must be accompanied with a contribution slip approved by the Chief Electoral Officer.

The contribution slip 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.

2010, c. 32, s. 5.

Receipt.

96. For every contribution paid in accordance with section 93, the Chief Electoral Officer shall issue a receipt annually to the contributor.

ELECTION ACT

- Contents. The receipt shall indicate the address of the elector's domicile.
1989, c. 1, s. 96; 2010, c. 35, s. 5.
- Cheques. **97.** The cheque or order of payment must be made to the order of the Chief Electoral Officer and specify the authorized entity for whose benefit it is made.
1989, c. 1, s. 97; 2010, c. 35, s. 6.
- Payment. **98.** On being cashed, a contribution is deemed paid by the elector who made it and received by the authorized entity for which it is intended.
1989, c. 1, s. 98.
- 98.1.** Despite section 98, a contribution made to the Chief Electoral Officer within 20 days following 31 December is deemed to have been made by the elector and received by the authorized entity for which it is intended before 1 January, if it is accompanied by a contribution slip and a cheque dated before 1 January.
2012, c. 26, s. 11.
- 99.** The contributions cashed by the Chief Electoral Officer for the benefit of an authorized entity are deposited in a single account held by the official representative of the authorized party, authorized independent Member or authorized independent candidate, as applicable, at a Québec branch of a bank, trust company or financial services cooperative.
- The contributions paid for the benefit of a party authority may, however, be deposited in another single account held for that purpose by the official representative of the authorized party.
- The contributions described in the second paragraph of section 93 and the funds collected in accordance with this division must be deposited at a Québec branch of a bank, trust company or financial services cooperative.
- Any contribution made by means of a cheque or order of payment without sufficient funds may be recovered by the Chief Electoral Officer out of the contributions deposited under the first paragraph.
1989, c. 1, s. 99; 2000, c. 29, s. 648; 2010, c. 35, s. 7.
- Return to the contributor. **100.** If a contribution or part of a contribution was made contrary to this division, the authorized entity shall, as soon as the fact is known, remit such a contribution to the Chief Electoral Officer.
- The sums remitted must be paid to the Minister of Finance.

ELECTION ACT

The Chief Electoral Officer may, after notifying the official representative of the authorized entity of his intention, apply to the competent court for an order to comply with the first paragraph.

1989, c. 1, s. 100; 1992, c. 38, s. 19; 2008, c. 22, s. 22; 2010, c. 36, s. 2; 2010, c. 35, s. 8; 2012, c. 26, s. 12; 2016, c. 18, s. 5.

100.0.1. The Chief Electoral Officer may inform an authorized entity in writing that it is holding a contribution or part of a contribution made contrary to this division and whose prescription period has expired.

2016, c. 18, s. 6.

Public notice. **101.** Every year, on the date fixed after consultation with the advisory committee, the Chief Electoral Officer shall publish a notice for the information of electors indicating, in particular,

(1) the names of the authorized parties;

(1.1) the names of the authorized independent Members;

(2) the name of each party's and each independent Member's official representative;

(3) the rules governing contributions.

1989, c. 1, s. 101; 1998, c. 52, s. 34; 2001, c. 2, s. 5; 2008, c. 22, s. 23.

DIVISION III

EXPENSES AND LOANS OF AUTHORIZED ENTITIES

Expenses incurred. **102.** The expenses of an authorized entity may be incurred only by the official representative or by a person designated by him in writing.

Certificate of authorized person. Every person authorized to incur expenses shall, on demand, exhibit a certificate signed by the official representative and attesting his authority.

1989, c. 1, s. 102.

Payment of accounts. **103.** The official representative of an authorized entity or any person designed in writing by the official representative shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

1989, c. 1, s. 103; 1998, c. 52, s. 35; 2008, c. 22, s. 24.

Loans. **104.** Only the official representative of an authorized entity may contract a loan.

1989, c. 1, s. 104.

ELECTION ACT

104.1. Any loan granted by an elector shall be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a bank, trust company or financial services cooperative having an office in Québec.

2016, c. 18, s. 7.

Required information. **105.** 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.

Surety. Where an elector becomes surety for a loan, the deed of suretyship shall set out the name and domiciliary address of the elector and the amount for which he became surety.

The deed of loan or of suretyship shall also include a declaration by the elector stating that the loan is granted or the suretyship contracted out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not been nor will be reimbursed in any other way than as stipulated in the deed.

1989, c. 1, s. 105; 2016, c. 18, s. 8.

105.1. For the same elector, the total of the following amounts may not exceed \$25,000:

(1) the outstanding principal of any loan granted for the benefit of one or more authorized entities; and

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

2016, c. 18, s. 9.

Interest. **106.** The official representative shall, at least once a year, pay the interest due on the loans he has contracted.

Lender not found. Where the official representative is unable to remit the sums due to the lender because the latter cannot be found, the official representative shall remit them to the Chief Electoral Officer, who shall pay them over to the Minister of Finance.

1989, c. 1, s. 106; 1992, c. 38, s. 20; 2016, c. 18, s. 10.

DIVISION IV AUDITORS

Auditor. **107.** The official representative of every authorized party, with the written approval of the leader of the party, shall appoint an auditor from among the persons having a legal right to practise public auditing in Québec.

1989, c. 1, s. 107.

ELECTION ACT

- Disqualification. **108.** No person may be an auditor if
- (1) (*paragraph repealed*);
 - (2) he is a Member of the National Assembly or of the Parliament of Canada;
 - (3) he is an official agent or official representative;
 - (4) he is a candidate in a current election;
 - (5) he is the Chief Electoral Officer, a returning officer, an assistant returning officer or one of his assistants.
- Disqualification. Nor may any partner or member of the staff or personnel of a person described in subparagraphs 2 to 5 of the first paragraph be an auditor.
1989, c. 1, s. 108; 2008, c. 22, s. 25.
- Replacement. **109.** The official representative shall, with the written approval of the leader of the party, replace the auditor appointed by him upon the latter's ceasing to hold office.
1989, c. 1, s. 109.
- Auditor's report. **110.** The auditor of an authorized party shall examine the financial report made pursuant to section 113 and make his report as auditor in accordance with the directive issued by the Chief Electoral Officer in that regard.
1989, c. 1, s. 110; 1992, c. 38, s. 21.
- Access to books and documents. **111.** The auditor of a party shall have access to all the books, accounts and documents pertaining to the financial affairs of the party.
1989, c. 1, s. 111.
- Cost of audit. **112.** The Chief Electoral Officer shall reimburse the authorized parties one-half of the cost incurred for the audit of the financial report contemplated in section 113, up to \$15,000.
- Cost of audit. Where the Chief Electoral Officer requires the audit of a balance sheet that accompanies a joint application for a merger or a financial report produced following a merger under section 56, he shall reimburse one-half of the cost incurred for the audit, up to \$15,000.
- Cost of audit. Where the Chief Electoral Officer requires the audit of a closing financial report, he shall appoint the auditor and directly discharge the cost of the audit.
1989, c. 1, s. 112; 1992, c. 38, s. 22; 2001, c. 2, s. 6.

ELECTION ACT

DIVISION V FINANCIAL REPORTS

112.1. The Chief Electoral Officer shall have access to all books, accounts and documents pertaining to the financial affairs of the authorized entities.

At the request of the Chief Electoral Officer, an authorized entity must furnish any information required for the purposes of this division within 30 days.

2010, c. 35, s. 9.

Financial report of the party.

113. The official representative of every authorized party must, not later than 30 April each year, submit to the Chief Electoral Officer a financial report for the preceding fiscal year in the form prescribed by the Chief Electoral Officer. The report must include a balance sheet, an income statement and a cash flow statement prepared in accordance with generally recognized accounting principles.

Fiscal year.

For the purposes of this title, the fiscal year corresponds to the calendar year.

1989, c. 1, s. 113; 2001, c. 2, s. 7; 2010, c. 35, s. 10.

Income statement.

114. The income statement shall include a general statement of revenues and total expenditures and indicate, in addition,

(1) *(paragraph repealed)*;

(2) the total sum of amounts collected under subparagraph 5 of the second paragraph of section 88;

(3) the total sum of amounts collected under subparagraph 6 of the second paragraph of section 88, and the nature, place and date of the activity;

(3.1) the total sum of amounts collected under subparagraph 6.1 of the second paragraph of section 88, how those amounts break down, and the nature, place and date of the activity;

(3.2) the total of the amounts paid to the official representative of the party for the goods and services furnished in accordance with section 417 referred to in section 127.11;

(4) *(paragraph repealed)*;

(5) the number of electors having paid a contribution and the total sum of contributions.

1989, c. 1, s. 114; 1992, c. 38, s. 23; 2010, c. 32, s. 7; 2010, c. 35, s. 11; 2011, c. 38, s. 4; 2012, c. 26, s.14.

ELECTION ACT

Contents of financial
report.

115. The financial report shall indicate, furthermore,

(1) the financial institutions where the amounts of money collected by the party are deposited and the account numbers used;

(2) the total value of services rendered and goods furnished free of charge;

(3) the name and full domiciliary address of each elector having paid one or more contributions and the total amount of those contributions;

(4) the name and full domiciliary address of each elector who became surety in accordance with subparagraph 4.1 of the second paragraph of section 88 and the amount for which he became surety;

(5) the total amount of the sums transferred or loaned between the party and party authorities or the official agent of an official candidate of the party or, during a referendum, the total sum of the amounts transferred or loaned to a national committee;

(5.1) the total amount of the remaining sums of money referred to in section 127.18;

(6) a detailed statement of all amounts borrowed in accordance with subparagraph 4 of the second paragraph of section 88, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in principal and of the payments of interest.

Information.

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

1989, c. 1, s. 115; 1992, c. 38, s. 24; 2010, c. 35, s. 12; 2011, c. 38, s. 5; 2016, c. 18, s. 11.

115.1. The financial report of an authorized party shall be signed by the leader of the party and accompanied by a declaration by the party leader in the form prescribed by the Chief Electoral Officer.

The declaration shall state, in particular, that the party leader has been informed of the financing rules, that he has reminded the persons authorized to solicit contributions of their obligation to comply with those rules, that he has been informed of the party's solicitation practices and considers that they comply with the law, that he has read the report and that he has obtained any clarification he wished to receive regarding its content.

The report shall also be accompanied by a declaration by the official representative in the form prescribed by the Chief Electoral Officer.

2016, c. 18, s. 12.

ELECTION ACT

Auditor's report. **116.** The annual financial report contemplated in section 113 is deemed submitted to the Chief Electoral Officer only if it is accompanied with the auditor's report contemplated in section 110.

Exception. No auditor's report is required, however, in the case of a closing financial report, a balance sheet accompanying a joint application for a merger or a financial statement produced following a merger under section 56. The Chief Electoral Officer may nevertheless require them.

1989, c. 1, s. 116.

116.1. The annual financial report contemplated in section 113 must be accompanied by a list of the designations made under section 92 during the fiscal year covered by the report, drawn up in the form prescribed by the Chief Electoral Officer.

2016, c. 18, s. 13.

Financial report. **117.** Not later than 1 April each year, the official representative of an authorized party authority or of an authorized independent Member shall file a financial report for the preceding fiscal year with the Chief Electoral Officer.

The financial report shall contain

(1) an income statement made in accordance with section 114;

(2) the information prescribed in section 115; and

(3) the signature of the authorized independent Member, the Member or, failing that in the latter case, the highest ranking official designated in writing by the authorized party authority.

The report must be accompanied by a declaration by the person referred to in subparagraph 3 of the second paragraph that is made in accordance with section 115.1, applied with the necessary modifications, and by a declaration by the official representative that is made in the form prescribed by the Chief Electoral Officer. In addition, a list of the designations made under section 92 during the fiscal year covered by the report must accompany the report. This list must be drawn up in the form prescribed by the Chief Electoral Officer.

No election held. The official representative of an authorized independent candidate must file such a report if no election was held in the fiscal year during which the independent candidate was authorized.

1989, c. 1, s. 117; 1998, c. 52, s. 36; 2008, c. 22, s. 26; 2016, c. 18, s. 14.

ELECTION ACT

- Receipts of contributions. **118.** The official representative of an authorized party, of an authorized party authority or of an authorized independent Member shall, for seven years from the date of submitting the financial report, keep sufficient vouchers to enable compliance with the provisions of sections 83 and 90, the second paragraph of section 93 and sections 95 and 95.1 to be verified. However, he shall remit them to the Chief Electoral Officer, at his request.
1989, c. 1, s. 118; 1998, c. 52, s. 37; 2001, c. 2, s. 8; 2008, c. 22, s. 27; 2010, c. 35, s. 13; 2012, c. 26, s. 15; 2016, c. 18, s. 45.
- Extension of time limit. **119.** Where the time fixed in section 113 or 117 expires during an election period, the deadline is deferred for 60 days.
1989, c. 1, s. 119; 2001, c. 2, s. 9; 2011, c. 5, s. 4.
- Time limit. **120.** Where the time fixed in section 113 or 117 expires during the period in which a return of election expenses must be filed, the deadline is deferred for 120 days or to the 135th day after the polling date, whichever is later.
1989, c. 1, s. 120; 2001, c. 2, s. 10; 2011, c. 5, s. 5.
120.1. Where the time fixed in section 432 or 434 expires during the period for filing the financial report provided for in section 113 or 117, the deadline is deferred for 60 days in the case of the report provided for in section 113 and for 30 days in the case of the report provided for in section 117.
2011, c. 5, s. 6.
- Applicable provisions. **121.** Sections 119, 120 and 120.1, adapted as required, apply at elections other than general elections with respect to authorized party authorities at the level of the electoral divisions where these elections are held and with respect to the authorized independent Members, if any, representing those electoral divisions.
1989, c. 1, s. 121; 1998, c. 52, s. 38; 2008, c. 22, s. 28; 2011, c. 5, s. 7.
- Independent candidate. **122.** The official representative of an authorized independent candidate who was not elected shall, within 90 days after polling day, file a financial report with the Chief Electoral Officer.
- Contents of financial report. The report shall contain an income statement prepared in accordance with section 114, the information prescribed in section 115 and the candidate's signature. The report must be accompanied with the contribution slips that have not yet been sent to the Chief Electoral Officer, as well as a list of the designations made under section 92 during the fiscal year covered by the report, drawn up in the form prescribed by the Chief Electoral Officer. The report must also be accompanied by a declaration by the candidate that is made in accordance with section 115.1, applied with the necessary modifications, and by a declaration by the official representative that is made in the form prescribed by the Chief Electoral Officer.

ELECTION ACT

- Date of filing. The financial report shall be filed in the form prescribed by the Chief Electoral Officer and at the same time as the return of election expenses provided for in section 432.
1989, c. 1, s. 122; 1998, c. 52, s. 39; 2001, c. 2, s. 11; 2008, c. 22, s. 29; 2011, c. 5, s. 8; 2016, c. 18, s. 15.
- Residual debts or assets. **123.** Where the official representative of an independent candidate who was not elected, after filing the report and return contemplated in sections 122 and 432, has debts resulting from election expenses or holds sums or property from the election fund of the candidate, he shall file a financial report with the Chief Electoral Officer.
- Financial report. The financial report must be filed in accordance with the second paragraph of section 122, accompanied with the same documents, not later than 1 April of the year following each fiscal year during which the candidate remained authorized.
1989, c. 1, s. 123; 1998, c. 52, s. 40; 2001, c. 2, s. 12.
- Remaining assets. **124.** On 31 December of the year following the year of the election, any sums remaining from the electoral fund of an independent candidate who was not elected shall be remitted to the Chief Electoral Officer, who shall remit them to the Minister of Finance.
1989, c. 1, s. 124; 1998, c. 52, s. 41.
- Disqualification. **125.** Every independent candidate who was not elected and who, on 31 December of the year following the year of the election in which he was a candidate, has not discharged all the debts resulting from his election expenses, becomes disqualified for the next general election and any by-election.
1989, c. 1, s. 125; 1998, c. 52, s. 42.
- Public information. **126.** The information contained in the reports, returns and documents prescribed under this title is public information, except the list of designations made under section 92 the list of members of an authorized party referred to in section 51.2 and any information on the distribution slip described in section 95.1 other than the contributor's given name and surname, the address of the contributor's domicile and the amount of the contribution.
- Access to documents. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to the documents prescribed by this division before the date of expiry of the period prescribed for their filing. If the documents are filed after the date fixed, they shall be accessible upon their date of filing.

Examination of documents. Any person may examine the reports, returns and documents at the information centre of the Chief Electoral Officer during regular working hours, and make copies of them.

1989, c. 1, s. 126; 1992, c. 38, s. 25; 2010, c. 32, s. 8; 2010, c. 35, s. 14; 2011, c. 5, s. 9; 2016, c. 18, s. 16.

Disqualification. **127.** If the financial report of an authorized entity is not filed within the fixed time, the leader of the party or, if he is not a Member, the leader of the party in the House or, as the case may be, the independent Member, becomes, ten days after the expiry of the prescribed time, disqualified to sit and to vote in the National Assembly until the financial report is filed.

If there is no leader of the party in the House, the Member designated by the leader of the party loses the right to sit and to vote, in accordance with the first paragraph.

Provisions applicable. Sections 442 to 444 and 448, adapted as required, apply to this division.

1989, c. 1, s. 127; 1998, c. 52, s. 43; 2010, c. 36, s. 3.

CHAPTER III
FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

2011, c. 38, s. 6.

DIVISION I
REQUIRED INFORMATION AND REGISTER

2011, c. 38, s. 6.

127.1. 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. 6.

127.2. 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 leadership 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 chapter, 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. 6.

127.3. 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. 6.

DIVISION II

CONTRIBUTIONS, EXPENSES AND PAYMENT OF CLAIMS

2011, c. 38, s. 6.

127.4. 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. 6.

127.5. 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 chapter for the candidate's leadership campaign and the loans contracted in accordance with the first paragraph of section 127.10 may be deposited into that account.

ELECTION ACT

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. 6.

127.6. 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 99 that is held by the official representative in the name of the party.

Loans contracted under the third paragraph of section 127.10 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. 6.

127.7. Only an elector 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 127.4. However, an elector may make a contribution to the Chief Electoral Officer by means of a credit card.

The total amount of an elector's contributions may not exceed \$500 during a given leadership campaign.

2011, c. 38, s. 6; 2012, c. 26, s. 16.

127.8. Section 88 except the reference to section 105.1 in subparagraphs 4 and 4.1 and subparagraphs 5 and 8 of the second paragraph, sections 89 and 90, the fourth and fifth paragraphs of section 91, sections 95 and 95.1, the last paragraph of section 96 and sections 98 and 100 apply, with the necessary modifications, to the contributions referred to in this chapter.

The Chief Electoral Officer shall issue a receipt to a contributor annually for any contributions paid in accordance with section 127.7. All cheques or orders of payment must be made to the order of the candidate.

2011, c. 38, s. 6; 2012, c. 26, s. 17; 2016, c. 18, s. 17.

ELECTION ACT

127.9. 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 candidate's financial representative must send the Chief Electoral Officer the contribution slips related to the contributions received by the financial representative.

Not later than five working days after receipt of the contribution slips referred to in the first paragraph, the Chief Electoral Officer shall post on the Chief Electoral Officer's website the name of each contributing elector, the city and postal code of the elector's domicile, the amount paid and the name of the candidate who received the contribution.

2011, c. 38, s. 6.

127.10. A leadership candidate's financial representative may contract a loan, in accordance with section 105, 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 105.

The official representative of the party may contract a loan, in accordance with section 105, to fund the leadership campaign expenses of the party.

2011, c. 38, s. 6.

127.11. For the purposes of this chapter, 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 401 to 404, 406 to 413, 415 to 417, 421, 423, 424, 430 and 431 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate's financial representative is the candidate's official agent, the official representative of the party is the official agent of the party and the person designated to oversee the leadership vote is the returning officer.

2011, c. 38, s. 6.

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

ELECTION ACT

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. 6.

127.13. Any person to whom an amount is due for an expense incurred under this chapter 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 a claim within the time prescribed in the first paragraph entails prescription of the claim.

2011, c. 38, s. 6.

127.14. Subject to section 127.15, 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 127.12, except any claim he or she contests, and all loans contracted.

2011, c. 38, s. 6.

127.15. A leadership candidate's financial representative who, because of a lack of funds in the account referred to in section 127.5, 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.

ELECTION ACT

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 100 and 567 do not apply to such a contribution.

2011, c. 38, s. 6.

DIVISION III RETURNS

2011, c. 38, s. 6.

127.16. 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 127.10, and the deeds of appointment of any deputy financial representatives appointed under section 406 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 seven years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 6; 2016, c. 18, s. 45.

127.16.1. The return of leadership campaign income and expenses shall be signed by the candidate and accompanied by a declaration by the candidate in the form prescribed by the Chief Electoral Officer.

The declaration shall state, in particular, that the candidate has been informed of the rules regarding financing and campaign expenses, that he has reminded the persons authorized to solicit contributions and those authorized to incur or authorize expenses of their obligation to comply with those rules, that he has been informed of the solicitation practices and considers that they comply with the law, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

The return shall also be accompanied by a declaration by the financial representative in the form prescribed by the Chief Electoral Officer.

2016, c. 18, s. 18.

127.17. If a leadership candidate's financial representative has not, as of the filing date of the return referred to in section 127.16, 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 127.14 and 127.15, file a complementary return with the official representative of the party in the form prescribed by the Chief Electoral Officer. Section 127.16.1 applies, with the necessary modifications, to the latter return.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 127.10 must be filed with the complementary return. The vouchers must be kept by the official representative of the party for a period of seven 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. 6; 2016, c. 18, s. 19; 2016, c. 18, s. 45.

127.18. A leadership candidate's financial representative must send to the Chief Electoral Officer, along with the return required under section 127.16 or the last complementary return required under section 127.17, any sum of money remaining after the payment of all claims and loans.

The Chief Electoral Officer must remit that sum to the Minister of Finance.

2011, c. 38, s. 6; 2012, c. 26, s. 18.

127.19. 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 127.16.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy official representatives appointed under section 406 and any amendment to those deeds must be kept by the official representative of the party for a period of seven years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 6; 2016, c. 18, s. 45.

ELECTION ACT

127.19.1. The return of leadership campaign expenses shall be signed by the person holding the office of leader of the party or interim leader on the day of the vote and accompanied by a declaration by that person in the form prescribed by the Chief Electoral Officer.

The declaration shall state, in particular, that the person has been informed of the rules regarding campaign expenses, that he has reminded the persons authorized to incur or authorize expenses of their obligation to comply with those rules, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

The return shall also be accompanied by a declaration by the official representative in the form prescribed by the Chief Electoral Officer.

2016, c. 18, s. 20.

127.20. If an error is found in a return filed under this chapter, 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. 6.

127.21. 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 chapter, 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. 6.

TITLE IV ELECTION PERIOD

CHAPTER IV CANDIDATES

Qualification. **234.** Any elector may be elected to the National Assembly.

1989, c. 1, s. 234.

ELECTION ACT

Disqualification. **235.** Notwithstanding the preceding section, the following persons are not qualified to be elected:

- (1) judges of the courts of justice;
- (2) the Chief Electoral Officer, commissioners of the Commission de la Représentation and returning officers;
- (3) the official agent of a candidate or of a political party;
- (4) Members of the Parliament of Canada;
- (5) a person convicted of an indictable offence punishable by two years of imprisonment or more, for the term of the sentence pronounced.

Disqualification. The following persons, also, are not qualified to be elected for the period fixed in this Act:

- (1) a candidate at a previous election whose official agent has not produced a return of election expenses or the statement provided for in section 432;
- (2) an independent candidate contemplated in section 125;
- (3) a person contemplated in sections 127 and 442;
- (4) a person convicted of a corrupt electoral or referendum practice.

¹1989, c. 1, s. 235; 1990, c. 4, s. 964; 1997, c. 8, s. 17.

CHAPTER VI CONTROL OF ELECTION EXPENSES

DIVISION I ELECTION EXPENSES

Interpretation,
“election period”;

401. For the purposes of this chapter,

(1) the election period commences the day after the day of issue of the order instituting the election and ends on polling day at the hour of closing of the polling stations;

“candidate”;

(2) the word “candidate” includes any person who becomes a candidate;

“official agent”.

(3) the expression “official agent” includes any person who becomes an official agent.

“election expenses”
and “official agent”.

In addition, for the purposes of sections 403, 415, 416, 417 and 421, the expression “election expenses” includes expenses referred to in paragraph 13 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

¹1989, c. 1, s. 401; 1992, c. 38, s. 58; 1998, c. 52, s. 69; 2001, c. 2, s. 37.

ELECTION ACT

Election expenses. **402.** The cost of any goods or services used for the following purposes during an election period is an election expense:

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

1989, c. 1, s. 402.

Use of goods or services. **403.** In the case of goods or services used both during and before an election period, the part of the cost thereof which 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.

1989, c. 1, s. 403.

Exceptions. **404.** The following are not election expenses:

- (1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published 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 at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the election order;
- (3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;
- (4) the necessary costs of holding a meeting in an electoral division for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the meeting; the costs cannot exceed \$4 000 nor include any other form of publicity;

ELECTION ACT

(5) the reasonable costs incurred by a candidate for attending a meeting to select a candidate in an electoral division; the costs cannot include any publicity except that made by the candidate at the meeting;

(6) the reasonable expenses incurred by a candidate or any other person, out of his own money, for meals and lodging while traveling for election purposes, if the expenses are not reimbursed to him;

(7) the transportation costs of a candidate, if not subject to reimbursement;

(7.1) the other reasonable personal expenses incurred by a candidate, other than publicity expenses, if the expenses are not reimbursed to him;

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

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

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

(10) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of the party the addresses of which are entered in the register of the Chief Electoral Officer;

(11) 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;

(12) 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;

(13) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by an authorized private intervenor in accordance with Division V, 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;

(14) the remuneration paid to a representative referred to in section 316.

1989, c. 1, s. 404; 1992, c. 38, s. 59; 1998, c. 52, s. 70; 2001, c. 2, s. 38.

ELECTION ACT

- Official agent. **405.** To incur election expenses, an authorized party shall have an official agent.
- Official representative. The official representative of a party shall be the official agent of the party unless another person is designated in writing for that purpose by the leader of the party.
- Written confirmation of acceptance. A person designated as the official agent by the leader of a party shall confirm in writing that he accepts the office.
- Public notice. The Chief Electoral Officer shall publish the name of the official agent of a party in the *Gazette officielle du Québec*.
1989, c. 1, s. 405.
- Appointment of deputies. **406.** The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount fixed by him in their deed of appointment. That amount may be changed, in writing, at any time by the official agent before he files his return of election expenses.
- Expenses incurred by deputy. All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent up to the amount fixed in the deed of appointment.
- Statement of expenses. Every deputy shall furnish to the official agent of the party an itemized statement of the expenses incurred or authorized by him.
1989, c. 1, s. 406.
- Advertising agency. **407.** An official agent may, in writing, authorize an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. That amount may be changed by the official agent, in writing, at any time before he files his return of election expenses.
- Statement of expenses. The advertising agency shall furnish to the official agent, within 60 days after polling day, an itemized statement of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors. The statement must be made in the form prescribed by the Chief Electoral Officer.
1989, c. 1, s. 407.
- Official agent. **408.** Every candidate shall have an official agent.
Section 406 applies to the official agent of a candidate, with the necessary modifications.
1989, c. 1, s. 408; 2011, c. 5, s. 26.

ELECTION ACT

408.1. Within 10 days of being appointed, official agents and their deputies shall undergo training given by the Chief Electoral Officer on the control of election expenses.

Official agents and deputies shall also undergo any refresher training given by the Chief Electoral Officer.

The Chief Electoral Officer shall, by directive, determine the other particulars regarding all such training.

The persons in office on 1 January 2017 must undergo the training required under section 408.1 before 1 January 2018 (2016, c. 18, s. 54)

2016, c. 18, s. 21.

Resignation. **409.** Any official agent of a party who resigns shall notify, in writing, the leader of the party and the Chief Electoral Officer of his resignation. An official agent of a candidate who resigns shall notify, in writing, the candidate and the Chief Electoral Officer of his resignation.

Return of election expenses. Within ten days of resigning, the official agent shall file with the leader of the party or the candidate a return of election expenses, with vouchers, covering the period during which he was in office.

1989, c. 1, s. 409; 1992, c. 38, s. 60; 2008, c. 22, s. 52.

Replacement. **410.** If the official agent designated in the nomination paper dies, resigns or is unable to act, the candidate shall forthwith appoint another such agent and notify the Chief Electoral Officer in writing of the appointment.

Dismissal. The candidate may also dismiss his official agent and appoint another in the same manner.

1989, c. 1, s. 410; 1999, c. 40, s. 116; 2008, c. 22, s. 53.

Notification. **411.** The Chief Electoral Officer shall inform the returning officer without delay of every appointment and replacement of an official agent.

Notice. If an official agent is replaced before polling day, the returning officer shall post up a notice of the replacement with a notice of the poll; he shall transmit a copy of the notice of replacement to each candidate or his mandatary.

1989, c. 1, s. 411; 2008, c. 22, s. 54.

Disqualification. **412.** No person contemplated in section 45 may be appointed as an official agent.

1989, c. 1, s. 412.

ELECTION ACT

- Authorization of expenses. **413.** During an election period, only the official agent of a candidate or of an authorized party or his deputy may incur or authorize election expenses.
1989, c. 1, s. 413.
- Payment of election expenses. **414.** In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.
- Election fund. No sums of money other than those held in accordance with Title III by an authorized entity may be paid into the election fund put at the disposal of an official agent.
- Bank account. The official agent shall deposit the sums paid into the election fund put at his disposal in an account at a Québec branch of a bank, trust or financial services cooperative. The account shall be separate from that of the official representative.
1989, c. 1, s. 414; 1992, c. 38, s. 61; 2001, c. 2, s. 39; 2000, c. 29, s. 649.
- Use of goods and services. **415.** No goods or services whose cost is wholly or partly an election expense may be used during the election period except by the official agent of a candidate or party or with his authorization.
1989, c. 1, s. 415; 1998, c. 52, s. 71.
- Order for election expenses. **416.** No person may accept or execute an order for election expenses not given or authorized by an official agent or in his name by his deputy or the advertising agency authorized by him.
1989, c. 1, s. 416.
- Regular prices. **417.** No person may, for goods or services whose cost is wholly or partly an election expense, claim or receive a price different from the regular price for similar goods or services outside the election period nor may he accept a different remuneration or renounce payment.
- Unremunerated services. A person may nevertheless personally and voluntarily, without compensation and for no consideration, do volunteer work and provide the use of his personal vehicle for that purpose.
1989, c. 1, s. 417; 2008, c. 22, s. 55; 2016, c. 18, s. 22.
- Election expenses before nomination. **419.** At a general election, the official agent of an authorized party, his deputy or the official representative of a party authority in an electoral division, if expressly authorized therefor by the official agent of the party, may, so long as no candidate of the party has filed his nomination paper in that electoral division and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses in the electoral division.

ELECTION ACT

- Expenses incurred by the party. If, at the time of the polling, the party presents no candidate in the electoral division for which the expenses were authorized, the expenses are deemed to have been incurred by the party. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of the party and the person who authorized the expenses shall file an itemized statement thereof with him.
- Publicity expenses. If the expenses incurred under this section include publicity, they shall be identified by the name and title of the official representative of the party authority, the official agent of the party or his deputy, or the official agent of the candidate and, where applicable, the name of the printer.
1989, c. 1, s. 419; 1992, c. 38, s. 63; 2001, c. 2, s. 40; 2008, c. 22, s. 56.
- By-election. **420.** At a by-election, only the official representative of the party authority at the level of the electoral division where the election is being held may, so long as no candidate of the party has filed his nomination paper and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses.
- Expenses incurred by the official agent. If the party presents no candidate, the official representative shall include, in his annual financial report, all expenses he has so authorized. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of such party and the official representative shall file an itemized statement with him.
- Publicity expenses. If the expenses incurred under this section include publicity, they shall be identified by the name and title of the official representative of the party authority or the official agent of the candidate and by the name of the printer, where that is the case.
1989, c. 1, s. 420; 1992, c. 38, s. 64; 2001, c. 2, s. 41; 2008, c. 22, s. 57.
- Object relating to an election. **421.** Any writing, object or advertising material relating to an election must bear the name of the printer or manufacturer and the name and title of the official agent or deputy official agent who had it produced.
- Advertisement published in a newspaper. Any election advertisement published in a newspaper or other publication must mention the name and title of the official agent or deputy official agent who had it published.
- Election advertisement broadcasting. In any election advertisement broadcast on radio or television or circulated by means of any other information medium or technology, the name and title of the official agent or deputy official agent must be mentioned at the beginning or at the end of the advertisement.
1989, c. 1, s. 421; 2008, c. 22, s. 58.

ELECTION ACT

- Authorization number. **421.1.** If, under section 401, a writing, an object, an advertising material or an advertisement must mention the name and title of a private intervenor within the meaning of Division V of this chapter or the name and title of the representative of such an intervenor, it must also mention the authorization number issued under section 457.6.
- Cost exceeding \$300. If the cost of a writing, object, advertising material or advertisement covered by section 421 exceeds \$300, only the name and title of the official agent or deputy official agent of a candidate or authorized party may be mentioned as the person who had the writing, object, material or advertisement produced, published or broadcast.
1998, c. 52, s. 72; 2008, c. 22, s. 59.
- Identification of joint publicity. **422.** Where the official agents of several candidates of the same region jointly make or incur any publicity expenses contemplated in section 421, the advertisement shall bear the name and title of each official agent or, with his consent, the name and title of the official agent of the party and the name of the printer, where that is the case.
1989, c. 1, s. 422; 1992, c. 38, s. 65; 2008, c. 22, s. 60.
- Joint publicity expenses. **422.1.** The official agent of a candidate may, in writing, authorize the official agent of the party to incur or order joint publicity expenses, up to the amount he fixes in the authorization, but not exceeding 30 % of the limit determined in the second paragraph of section 426.
- Total publicity expenses. The official agent of the party shall furnish to the official agent of the candidate, within 60 days after polling day, an invoice showing the total publicity expenses incurred by him for the latter.
- Report of publicity expenses. The official agent of the party shall furnish to the Chief Electoral Officer, within 90 days after polling day, a report of all publicity expenses, accompanied with the invoices and other vouchers. The report must be made in the form prescribed by the Chief Electoral Officer.
- Identification of expenses. The expenses incurred under this section must be identified by the name and title of the official agent of the party or the official agent of the candidate.
1992, c. 38, s. 66; 2001, c. 2, s. 42.

ELECTION ACT

- Free space or air time. **423.** During an election period, a radio, television or cable broadcaster and the owner of a newspaper, periodical or other publication may 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 parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates of the same electoral division or to all the leaders of the parties represented in the National Assembly or which obtained at least 3 % of the valid votes at the last general election.
1989, c. 1, s. 423.
- Invoice. **424.** No person may pay an election expense of \$200 or more without a voucher in the form of an itemized invoice.
- Contents. The invoice must indicate the goods or services furnished and their rate or unit price.
1989, c. 1, s. 424; 1992, c. 38, s. 67; 2008, c. 22, s. 61.
- Claims. **425.** Every person to whom an amount is due for an election expense shall present his claim to the official agent within 60 days after polling day. No election expense may be paid by the official agent if the claim is presented to him after the expiry of the prescribed time.
- Claims. Where the official agent has died or resigned and has not been replaced, the claim shall be presented within the same time limit to the leader of the party or to the candidate himself, as the case may be.
- Claims. After the expiry of the time prescribed in the first paragraph, the creditor has 120 days to file his claim with the Chief Electoral Officer, failing which his claim is prescribed.
1989, c. 1, s. 425.
- Limit of party expenses. **426.** Election expenses shall be limited so as never to exceed for a party, during a general election, \$0.65 per elector for all the electoral divisions in which such party has an official candidate.
- Limit of candidate expenses. The election expenses for each candidate shall be limited so as never to exceed \$0.70 per elector during a general election. However, in the electoral divisions of Duplessis, Rouyn-Noranda-Témiscamingue, René-Lévesque and Ungava, the maximum is increased by \$0.20 per elector, and in the electoral division of Îles-de-la-Madeleine, the maximum is increased by \$0.85 per elector.
- By-election. During a by-election, the maximum limit of election expenses for each candidate is increased by \$0.65.

ELECTION ACT

Adjustment. The amounts provided for in this section shall be adjusted on 1 April each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount computed on the basis of the index includes a decimal, the decimal shall be rounded off to the higher digit where it is equal to or greater than 5 and, if not, to the lower digit. The Chief Electoral Officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.

Adjustment period. If the amounts set out in this section are adjusted during an election period, the adjusted amount applies for the entire election period.

1989, c. 1, s. 426; 1992, c. 38, s. 68; 2001, c. 2, s. 43; 2008, c. 22, s. 62; 2012, c. 26, s. 20.

NOTE *See notice of indexation; (2016) 148 G.O. 1, 184.*

Number of electors. **427.** For the purposes of sections 426, 457 and 457.1, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of an order instituting an election and the number of electors whose names are entered on the list following revision.

Certificate. Each returning officer shall transmit to the Chief Electoral Officer a certificate evidencing the number of electors whose names are entered on the list following revision and shall inform each candidate of that number.

Total number of electors. At a general election, the Chief Electoral Officer shall transmit, to the leader of each authorized party, the total number of electors listed for all the electoral divisions.

1989, c. 1, s. 427; 1995, c. 23, s. 38.

By-election. **428.** The official agent of an authorized party cannot incur election expenses during a by-election.

1989, c. 1, s. 428.

Publicity prohibited. **429.** In the seven days following the day on which the order is issued, no person, except the Chief Electoral Officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, publish or cause to be published in a newspaper or other periodical, or post or cause to be posted in a space leased for that purpose, publicity relating to the election.

Announcement. However, the first paragraph shall not operate to prevent the announcement by any means referred to therein, once the order has been issued, 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.

1989, c. 1, s. 429; 1992, c. 38, s. 69; 1995, c. 23, s. 39.

ELECTION ACT

Publicity prohibited. **429.1.** On polling day no person, except the Chief Electoral Officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, or publish or cause to be published in a newspaper or other periodical, publicity relating to the election.

1995, c. 23, s. 39.

Members of the public service. **430.** Subject to sections 10 and 11 of the Public Service Act (chapter F-3.1.1), nothing in this division relates to the services rendered by a member of the public service.

1989, c. 1, s. 430.

Exceptions. **431.** This division does not apply to services rendered by a member of an office staff within the meaning of Division II.2 of the Executive Power Act (chapter E-18) nor to services rendered by a member of an office staff or of the staff of a Member within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (chapter A-23.1).

1989, c. 1, s. 431; 2008, c. 22, s. 63.

DIVISION II

RETURN OF ELECTION EXPENSES

Return of election expenses. **432.** The official agent of every candidate shall, within 90 days after polling day, deliver to the Chief Electoral Officer, a return of all his election expenses in the form prescribed by the Chief Electoral Officer.

Accompanying documents. The return 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.

Independent candidate. In the case of an independent candidate who was not elected, the return must be filed at the same time as the financial report contemplated in section 122.

If the official agent has appointed deputies under section 408, the return must be accompanied by the deeds of appointment, including any changes made to them.

1989, c. 1, s. 432; 1998, c. 52, s. 73; 1999, c. 15, s. 21; 2008, c. 22, s. 64; 2011, c. 5, s. 27.

432.1. The return of election expenses of the official agent of a candidate shall be signed by the candidate and accompanied by a declaration by the candidate in the form prescribed by the Chief Electoral Officer.

The declaration shall state, in particular, that the candidate has been informed of the rules regarding campaign expenses, that he has reminded the persons authorized to incur or authorize expenses of their obligation to comply with those rules, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

2016, c. 18, s. 23.

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- Return of election expenses. **434.** The official agent of every authorized party shall, within 120 days after polling day, deliver to the Chief Electoral Officer a return of his election expenses in the prescribed form.
- Accompanying documents. The return 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.
- Deeds of appointment. Where the official agent has appointed deputies under section 406, the return must be accompanied with the deeds of appointment and any change made to them.
- 1989, c. 1, s. 434; 2008, c. 22, s. 65.
- 434.1.** The return of election expenses of the official agent of an authorized party shall be signed by the leader of the party and accompanied by a declaration by the party leader in the form prescribed by the Chief Electoral Officer.
- The declaration shall state, in particular, that the party leader has been informed of the rules regarding election expenses, that he has reminded the persons authorized to incur or authorize expenses of their obligation to comply with those rules, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.
- 2016, c. 18, s. 24.
- Summary of returns. **435.** The Chief Electoral Officer shall publish a summary of the returns of election expenses prescribed in sections 432 and 434 within 90 days after the expiry of the time prescribed for their filing.
- 1989, c. 1, s. 435; 2001, c. 2, s. 44.
- Keeping of documents. **436.** The Chief Electoral Officer shall keep the returns, declarations, invoices, receipts and other vouchers provided for in sections 432 and 434 for a period of seven years from their receipt.
- Delivery or destruction of vouchers. After the expiry of the period prescribed in the first paragraph, the Chief Electoral Officer shall deliver the invoices, receipts and other vouchers to the leader of the party or to the candidates if they so request; if not, he may destroy them.
- Access to documents. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to those documents before the expiry of the filing period. If they are filed after that period, they are accessible as soon as they are filed.
- Documents examination. Any person may examine and copy the documents at the information centre of the Chief Electoral Officer during regular office hours.
- 1989, c. 1, s. 436; 2008, c. 22, s. 66; 2010, c. 35, s. 16; 2016, c. 18, s. 45.

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- Source of funds. **437.** In addition to election expenses, the official agent shall indicate in the returns prescribed in sections 432 and 434 the source of the sums paid into the election fund put at his disposal.
1989, c. 1, s. 437.
- Statement of late claims. **438.** The returns prescribed in sections 432 and 434 must be accompanied with an itemized statement in the form prescribed by the Chief Electoral Officer, setting forth the names and addresses of the creditors who omitted to file their claims in the manner prescribed in the first paragraph of section 425 and, for each such claim, the amount of the debt and the date on which the goods and services were furnished.
- Accompanying cheque. The statement must be accompanied with a cheque drawn on the election fund, made to the order of the Chief Electoral Officer for the total amount of the claims contemplated in the first paragraph.
1989, c. 1, s. 438.
- Trust account. **439.** The sums remitted to the Chief Electoral Officer pursuant to section 438 shall be kept by him in a trust account and, if the creditors fail to file their claims with him within the time prescribed in the third paragraph of section 425, he shall remit the sums to the Minister of Finance.
1989, c. 1, s. 439.
- Contested claims. **440.** Where a creditor files his claim with the Chief Electoral Officer within the time prescribed in the third paragraph of section 425 and the sums remitted to him by the official agent to discharge the claim are insufficient, the Chief Electoral Officer shall inform the official agent of that fact without delay; the official agent may contest that claim, in which case sections 445 and 446 apply.
- Additional amount. If the claim is not contested by the official agent, the official representative of the authorized party authority at the level of the electoral division or of the party, as the case may be, shall forward to the Chief Electoral Officer the necessary additional sum to enable him to discharge the claim.
1989, c. 1, s. 440.
- Remaining assets. **441.** On filing the return prescribed in section 432 or 434, the official agent of an authorized party or of a candidate of an authorized party shall remit the sums or goods remaining in his election fund to the official representative of the party or of the party authority at the level of the electoral division, as the case may be. The official agent of an independent candidate who was elected shall remit such sums to the candidate's official representative.

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- Use of remaining assets. The official agent of an independent candidate who was not elected shall remit the sums to the Chief Electoral Officer who must then remit them to the Minister of Finance.
1989, c. 1, s. 441; 1998, c. 52, s. 74; 2012, c. 26, s. 21.
- Disqualification. **442.** If the return and the statement prescribed by section 432 or 434 are not filed within the time prescribed, the candidate, the party leader or, if the party leader is not a Member of the National Assembly, the leader of the party in the House, as the case may be, becomes, ten days after the expiry of the period prescribed, disqualified from sitting or voting in the National Assembly until the return and statement have been filed.

If there is no leader of the party in the House, the Member designated by the leader of the party loses the right to sit and to vote, in accordance with the first paragraph.
- Order of a judge. However, a judge may, on an application made before the candidate, party leader, the leader of the party in the House or the member referred to in the second paragraph, as the case may be, is disqualified from sitting or voting, allow him to continue to sit or vote for an additional period of not more than 30 days.
1989, c. 1, s. 442; 2008, c. 22, s. 67; 2010, c. 36, s. 4; I.N. 2016-01-01 (NCCP).
- Correction of errors. **443.** Where an error is found in a declaration or return that has been filed, the official agent may correct it at any time within the period prescribed for filing such declaration or return.
- Opposition. After the period prescribed for filing the declaration or return, the candidate or party leader may 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 leave shall be submitted to the Chief Electoral Officer.
- Decision of Chief Electoral Officer. If the Chief Electoral Officer considers that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, he shall refer the parties to the court of competent jurisdiction.
1989, c. 1, s. 443; 1992, c. 38, s. 70.
- Extension. **444.** If a candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and filing of the return prescribed by section 432 or 434, the judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and declaration and grant an extension of time.
1989, c. 1, s. 444.

ELECTION ACT

- Payment of claims. **445.** Before filing the return and declaration prescribed in sections 432 and 434, an official agent must have discharged all the claims received within the period of time prescribed in section 425.
- Undischarged claims. However, the official agent shall mention, in his return, every undischarged claim and indicate whether he contests the claim or cannot discharge it owing to insufficient election funds.
- Contested claims. No contested claim may be discharged by the official agent, by the leader of a party or by a candidate. Only the official representative may discharge it in execution of a judgment from a court of competent jurisdiction obtained by the creditor after a hearing and not following acquiescence in the demand or a settlement agreement.
- Payment of certain undischarged or contested claims. The Chief Electoral Officer may allow the official representative of an authorized entity to discharge any claim that has not been discharged owing to insufficient election funds, and he may, if there is no objection from a party or candidate, allow him to discharge a contested claim if the refusal or non-payment results from an error in good faith.
1989, c. 1, s. 445; 1992, c. 38, s. 71.
- Claim referred to a judge. **446.** The Chief Electoral Officer may refer to a judge any claim contested by an official agent. The case is heard and decided by preference.
1989, c. 1, s. 446.
- Automatic correction of returns. **447.** Every payment made by the official representative after the filing of the return of election expenses following a decision of the Chief Electoral Officer, a judgment rendered in respect of any expense contested pursuant to section 445, or on an application by the Chief Electoral Officer under section 440, entails an automatic correction of the return of election expenses.
1989, c. 1, s. 447.
- Competent judge. **448.** The judge having jurisdiction to decide an application under sections 442 to 446 is, in the case of a candidate other than a party leader, a judge of the Court of Québec and, in the case of a party leader, the chief judge of that court.
- Notice. No application under the first paragraph may be heard without a notice of at least three clear days to the Chief Electoral Officer and to each of the other candidates in the electoral division or, in the case of a party leader, to each of the other leaders of authorized parties.
1989, c. 1, s. 448.

ELECTION ACT

DIVISION III

ADVANCE ON THE REIMBURSEMENT OF ELECTION EXPENSES

- Advance payment. **451.** Where, on the receipt of the results of the addition of the votes, the Chief Electoral Officer is satisfied that a candidate is entitled to a reimbursement under section 457, he shall, without delay, pay an advance on the reimbursement equal to 35 % of the maximum election expenses fixed in the second paragraph of section 426 and, if applicable, in the third paragraph of that section, for the electoral division concerned.
- 1989, c. 1, s. 451; 2001, c. 2, s. 46; 2011, c. 5, s. 28.
- Joint payment. **452.** The payment is made jointly to the candidate and his official representative in the case of an authorized independent candidate, or in the case of the candidate of an authorized party, jointly to the candidate and the official representative of the party authority at the level of the electoral division concerned; failing such a party authority, the payment is made jointly to the candidate and the official representative of the party.
- Transfer of funds. The payment may also be made by means of a transfer of funds to an account of the official representative.
- 1989, c. 1, s. 452; 2001, c. 72, s. 27.
- Verification of excess. **453.** On receipt of the return of election expenses of the official agent of the candidate to whom an advance on the reimbursement of election expense has been paid, the Chief Electoral Officer shall verify whether the amount of the advance exceeds 50 % of the election expenses stated in the return.
- Claim. If the advance exceeds 50 % of the total of the expenses, the Chief Electoral Officer shall send, by registered mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts.
- Payment of claim. The amount of the claim must be paid within 30 days of its receipt by the official representative.
- 1989, c. 1, s. 453; I.N. 2016-01-01 (NCCP).
- Adjustment of reimbursement. **454.** If, after an audit of the return of election expenses of the official agent of the candidate to whom an advance was granted, the reimbursement to which the candidate is entitled under section 457 is greater than the advance he received, the Chief Electoral Officer shall draw, to the order jointly to the candidate and to the official representative to whom the advance was granted, a cheque for an amount corresponding to the difference between the amount of reimbursement to which the candidate is entitled and the amount of the advance paid.

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- Transfer to funds. The reimbursement may also be paid by means of a transfer of funds to an account held by the official representative.
1989, c. 1, s. 454; 2008. c. 22, s. 68.
- Adjustment of reimbursement. **455.** If, after an audit of the return of election expenses, the reimbursement to which the candidate is entitled is less than the advance he received, the Chief Electoral Officer shall send, by registered mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts, taking into account any sum received by the official representative following a claim pursuant to section 453.
- Payment. The claim must be paid within 30 days of its receipt by the official representative.
1989, c. 1, s. 455; I.N. 2016-01-01 (NCCP).
- Payment of advance. **456.1.** On receipt of an attestation from the official agent of an authorized party of the estimated amount of election expenses incurred, the Chief Electoral Officer shall, if the attestation is accepted by the chief electoral office, pay without delay to the party entitled to reimbursement under section 457.1 an advance equal to 35% of the lesser of the amount corresponding to the limit fixed for election expenses under the first paragraph of section 426 and the estimated amount of the expenses incurred by the party.
- Overpayment. Any overpayment under the first paragraph must be reimbursed to the Chief Electoral Officer within the thirty days following a notice transmitted to the official representative by the Chief Electoral Officer. Any amount not so reimbursed may be recovered by the Chief Electoral Officer out of the allowance provided for in section 81, or otherwise.
2001, c. 2, s. 48.

DIVISION IV

REIMBURSEMENT OF ELECTION EXPENSES

- Conditions. **457.** The Chief Electoral Officer shall reimburse an amount equal to 50 % of the election expenses incurred and paid in conformity with this Act, for each candidate
- (1) declared elected;
 - (2) who obtained at least 15 % of the valid votes;
 - (3) *(paragraph repealed)*;
 - (4) *(paragraph repealed)*;
 - (5) *(paragraph repealed)*.

ELECTION ACT

- Independent candidate. In the case of an independent candidate who was not elected, no reimbursement may exceed the sum of the amount of the debts resulting from the candidate's election expenses and the amount of the candidate's personal contribution.
- Maximum amount. The election expenses that may be reimbursed may in no case exceed the maximum amount fixed under the second paragraph of section 426 and, where applicable, under the third paragraph of that section.
1989, c. 1, s. 457; 1998, c. 52, s. 75; 2001, c. 2, s. 49; 2008, c. 22, s. 70.
- Reimbursement. **457.1.** The Chief Electoral Officer shall reimburse to each political party that obtained at least 1 % of the valid votes an amount equal to 50 % of the election expenses incurred and paid in conformity with this Act.
- Maximum amount. The election expenses that may be reimbursed may not exceed the limit fixed under the first paragraph of section 426.
1992, c. 38, s. 72; 1998, c. 52, s. 76.

DIVISION V

AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS

1998, c. 52, s. 77; 2008, c. 22, s. 71.

- Authorization. **457.2.** No person may incur expenses described in paragraph 13 of section 404 unless the person has been issued an authorization 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.
- Notification. An authorized political party that presents no candidate at a general election or a by-election and wishes to intervene as private intervenor must notify the Chief Electoral Officer. It is deemed to hold an authorization from the Chief Electoral Officer as a private intervenor from the date of receipt of the notification and the Chief Electoral Officer shall issue an authorization number to it.
- Provisions applicable. Sections 457.7 to 457.9 and 457.13 to 457.21 and the second paragraph of section 559 apply to the party, with the necessary modifications. For the purposes of those provisions, the leader of the party is deemed to be the elector representing the private intervenor referred to in the last paragraph of section 457.4.
- Exception. An authorized political party that availed itself of sections 419 and 420 during an election period may not obtain the status of private intervenor during that period.
1998, c. 52, s. 77; 2004, c. 36, s. 3; 2008, c. 22, s. 72.

ELECTION ACT

Application for authorization.

457.3. 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;
- (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. 77.

Application for authorization.

457.4. 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;

ELECTION ACT

- (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.
- Representative, oath and undertaking. 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. 77.
- Application. **457.5.** An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant's domicile.
- Period. The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.
1998, c. 52, s. 77.
- Issue of authorization. **457.6.** 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. 77.
- Consultation. **457.7.** Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the election period, allow an elector to consult, in the returning officer's main office, any application for authorization which was granted.
- Copy of application. However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.
1998, c. 52, s. 77.
- List of authorization. **457.8.** Not later than the tenth day preceding polling day, the returning officer shall transmit to the authorized parties represented in the National Assembly, to any other party which so requests and to each candidate a list of the authorizations which have been granted.

ELECTION ACT

- 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. 77.
- Election period. **457.9.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.
- Representative. The representative of a group of electors may only act for that group.
1998, c. 52, s. 77.
- Resignation of representative. **457.10.** 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. 77.
- Representative. **457.11.** 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. 77.
- Election period. **457.12.** 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. 77.
- Restriction on expenses. **457.13.** 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. 77.
- Restriction on expenses. **457.14.** 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. 77.
- Expenses. **457.15.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.
- Expenses. A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

ELECTION ACT

- 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. 77; 2000, c. 29, s. 650.
- Expenses. **457.16.** In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.
- Representative. The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.
1998, c. 52, s. 77.
- Voucher. **457.17.** 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. 77.
- Filing of report. **457.18.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the Chief Electoral Officer a report of all the private intervenor's expenses, in the form prescribed by the Chief Electoral Officer.
- 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. 77; 2008, c. 22, s. 73.
- Provisions applicable. **457.19.** Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.
1998, c. 52, s. 77.
- Withdrawal. **457.20.** 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 is no longer qualified 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. A decision to withdraw the authorization must be in writing and contain reasons.

1998, c. 52, s. 77.

Appeal. **457.21.** Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of an application, appeal the decision before a judge of the Court of Québec.

Service of motion. The application 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 the execution of the decision, unless the court decides otherwise.

Decision. The decision of the judge is final.

1998, c. 52, s. 77; I.N. 2016-01-01 (NCCP).

TITLE VI ELECTORAL ORGANS

CHAPTER I THE CHIEF ELECTORAL OFFICER

DIVISION II FUNCTIONS AND POWERS

§1. – Role of the Chief Electoral Officer

2016, c. 18, s. 25.

Function. **485.** The function of the Chief Electoral Officer is, in particular, to see to the administration of this Act and the regulations.

Duties. He shall carry out every mandate which the National Assembly entrusts to him. The Government may consult him about any legislation pertaining to elections.

Research and analysis. He may conduct an analysis and assessment of electoral procedures and conduct studies on the financing of political parties. After having sought the advice of the advisory committee, he may also carry out any other research he considers advisable.

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International assistance and cooperation.

The Chief Electoral Officer may, with the authorization of the Government, provide assistance and cooperation to other countries or to international organizations in election matters, in particular at the material, professional or technical level.

1989, c. 1, s. 485; 1992, c. 38, s. 73; 2016, c. 18, s. 26.

Duties.

486. In respect of this Act and the regulations, the Chief Electoral Officer shall, in particular,

(1) ensure the training of the election officers;

(1.1) ensure the updating of the information contained in the permanent list of electors;

(2) supervise the progress of the enumeration, the revision and the voting;

(3) issue directives for the administration of this Act or the regulations;

(4) receive and process complaints.

Documents.

He may also prescribe the text of any forms and documents which serve for the administration of this Act or the regulations.

1989, c. 1, s. 486; 1995, c. 23, s. 41; 2016, c. 18, s. 27.

Financing of political parties.

487. In respect of the financing of political parties and the control of election expenses, the Chief Electoral Officer shall, in particular,

(1) authorize parties, party authorities, independent Members and independent candidates;

(2) verify that the parties, party authorities, independent Members and candidates are complying with the provisions of the Act;

(3) receive, examine and, if necessary, audit financial reports and returns of election expenses;

(3.1) receive, and verify the compliance of, the contributions of electors and remit them to the authorized entity concerned;

(4) inquire into the legality of expenditures incurred by an authorized entity, and election contributions and expenses.

1989, c. 1, s. 487; 1998, c. 52, s. 78; 2010, c. 35, s. 17; 2011, c. 38, s. 7.

487.1. In respect of political party leadership campaigns, the Chief Electoral Officer shall, in particular,

(1) verify that the party leadership candidates are complying with the law;

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(2) receive, examine and, if necessary, audit reports and returns from the candidates and the party; and

(3) inquire into the legality of leadership campaign contributions and expenses.

2011, c. 38, s. 8.

Public information. **488.** In respect of public information, the Chief Electoral Officer shall, in particular,

(1) provide any person applying therefor with advice and information regarding the administration of this Act;

(2) give the public access to the information, reports, returns or documents relating to this Act, omitting, if the information is published on a website on the Internet, the addresses of the electors who have made a contribution; however, in such a case, a copy in paper form that contains the addresses of those electors must be available;

(2.1) make public the fact that he requested that an authorized entity remit to him a contribution or part of a contribution, pursuant to section 100, by publishing the request on his website 30 days after it was made, along with the name of the authorized entity, the number of contributors, the number and amount of the contributions or parts of contributions concerned, the period they cover, and whether or not they were prescribed;

(3) maintain a public centre for information on this Act;

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

(5) at the request of a political party, furnish the information required for the training of the representatives of candidates, while allowing the other parties to delegate observers;

(6) make any public advertisements he considers necessary.

1989, c. 1, s. 488; 2001, c. 2, s. 51; 2016, c. 18, s. 28.

§2. – *Inspections*

2016, c. 18, s. 29.

490.1. The Chief Electoral Officer may carry out inspections to verify compliance with this Act or the regulations.

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The provisions of this subdivision apply, with the necessary modifications, to inspections carried out for the purposes of Chapters XIII and XIV of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2), Chapter XI of the Act respecting school elections (chapter E-2.3), and the regulations concerning matters related to those provisions.

2016, c. 18, s. 29.

490.2. An inspector may

(1) enter, at any reasonable hour, premises where books, registers, accounts, records and other documents are or should be kept that are relevant for verifying compliance with this Act or the regulations, or where an activity is carried on in a field governed by this Act or the regulations;

(2) inspect the premises, take photographs and verify or examine anything that is relevant for the purposes of this Act or the regulations;

(3) use any computer, equipment or other thing that is on the premises in order to access data that is relevant to the inspection and contained in an electronic device, computer system or other medium or to audit, examine, process, copy or print out such data;

(4) require any information, the communication of any relevant document to examine it or make a copy of it, and the production of any book, register, account, record or other relevant document, in order to verify compliance with this Act or the regulations;

(5) use or cause to be used any copying equipment on the premises; and (6) be accompanied by a person or persons of his or her choice when carrying out inspection duties.

A person having custody, possession or control of the documents or things referred to in this section shall, on request, communicate them to the inspector and facilitate their examination.

However, the inspector shall not enter a residence without the occupant's consent.

2016, c. 18, s. 29.

490.3. An inspector may, by a formal demand notified by registered mail or personal service, require that any person, whether subject to this Act or not, file by registered mail or personal service, within a reasonable time specified in the demand, any information or documents useful for verifying compliance with this Act or the regulations.

The person to whom the demand is made shall comply with it within the specified time regardless of whether the person has already filed such information or documents pursuant to a similar demand or pursuant to an obligation under this Act or the regulations.

2016, c. 18, s. 29.

490.4. If a person does not provide access, assistance, information, documents or things as required under section 490.2 or 490.3, the Chief Electoral Officer may apply to a judge of the Court of Québec acting in chambers and that judge may order the person to provide such access, assistance, information, documents or things to the Chief Electoral Officer, or may make any order to remedy the failure that is the subject of the application, if the judge is satisfied

(1) that the person was required under section 490.2 or 490.3 to provide such access, assistance, information, documents or things and did not do so; and

(2) that the professional secrecy to which lawyers and notaries are bound cannot be invoked.

A notice must be served on the person concerned at least five days before the application is heard.

The order must be notified to the person concerned by registered mail or personal service, unless it is made from the bench in the person's presence.

The order may be appealed to the Court of Appeal, with leave of a judge of that court. However, an appeal does not suspend the enforcement of the order, unless the judge seized of the appeal decides otherwise. The judgment cannot be appealed.

2016, c. 18, s. 29.

§3. – *Inquiries*

2016, c. 18, s. 29.

Inquiry. 491. The Chief Electoral Officer, of his own initiative or at the request of another person, may inquire into the administration of this Act or the regulations.

This subdivision applies, with the necessary modifications, to inquiries made for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) and the regulations under those Acts.

1989, c. 1, s. 491; 2016, c. 18, s. 30.

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Frivolous request. **492.** The Chief Electoral Officer may refuse to make or to pursue an inquiry where the request is frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

1989, c. 1, s. 492; 2016, c. 18, s. 31.

Reasons for refusal. **493.** Each time the Chief Electoral Officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

1989, c. 1, s. 493.

493.1. In the course of an inquiry into an offence under this Act or the regulations, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by the Chief Electoral Officer or a person he designates, order a person, other than the person under inquiry,

(1) to communicate information, or to produce documents, or copies of them certified by affidavit to be true copies; or

(2) to prepare and communicate a document that is based on existing documents or information.

The order shall require the documents or information to be communicated within the time, at the place and in the form specified and given to the person named in the order.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe

(1) that an offence under this Act or the regulations is being or has been committed;

(2) that the documents or information will afford evidence respecting the commission of the offence; and

(3) that the person who is the subject of the order has possession or control of the documents or information

The order may contain any terms and conditions that the judge considers appropriate, including terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an *ex parte* application made on the basis of an affidavit submitted by the Chief Electoral Officer in support of the application or by any person he designates, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

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Every copy of a document communicated under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the same probative force as the original document would have if it had been proved in the ordinary way.

2016, c. 18, s. 32.

Powers. **494.** In respect of his inquiries, the Chief Electoral Officer or any 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.

Witnesses. Articles 282 to 285 of the Code of Civil Procedure (chapter C-25.01) apply to witnesses heard at an inquiry.

1989, c. 1, s. 494; 1999, c. 15, s. 24; I.N. 2016-01-01 (NCCP).

TITLE VIII PENAL PROVISIONS

Official agent. **559.** Every official agent is liable to a fine of \$5,000 to \$20,000 who

- (1) incurs or authorizes election expenses exceeding the maximum fixed by section 426;
- (2) files a false report, return or statement;
- (3) produces a false or falsified invoice, receipt or other voucher;
- (4) after filing his report or return, pays a claim otherwise than as permitted by section 445.

Fine. Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1 000 to \$10 000.

1989, c. 1, s. 559; 1998, c. 52, s. 85; 2011, c. 38, s. 23.

Official representative. **559.0.1.** Every official representative is liable to a fine of \$5,000 to \$20,000 who

- (1) files a false report, return or statement;
- (2) produces a false or falsified invoice, receipt or other voucher;
- (3) pays a claim otherwise than as permitted by section 445.

2001, c. 72, s. 31; 2011, c. 38, s. 24.

Official representative. **559.0.2.** Every financial representative of a political party leadership candidate is liable to a fine of \$5,000 to \$20,000 who

- (1) files a false return or declaration;

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- (2) produces a false or falsified invoice, receipt or other voucher; or
- (3) pays a claim otherwise than as permitted by sections 127.14 and 127.15.

2011, c. 38, s. 25.

Fine. **559.1.** The following persons are liable to a fine of \$5,000 to \$20,000:

- (1) *(paragraph repealed)*;
- (2) every person who makes a false invoice, receipt or voucher;
- (3) every person who falsifies an invoice, receipt or voucher.

1998, c. 52, s. 86; 2010, c. 32, s. 9; 2001, c. 38, s. 26.

559.1.1. Every person who contravenes section 490.2 or 490.3 is guilty of an offence and is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in other cases.

The fines are doubled for a subsequent offence.

2016, c. 18, s. 37.

559.1.2. Every person who hinders or attempts to hinder the actions of the Chief Electoral Officer or any person he designates in accordance with the law, while the Chief Electoral Officer or designated person is performing the functions of office and where no other penalty is prescribed, is guilty of an offence and is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in other cases.

The fines are doubled for a subsequent offence.

2016, c. 18, s. 37.

Offence and penalties. **559.2.** The following persons are liable to a fine of \$500 to \$10,000:

(1) the printer, manufacturer or owner of the newspaper or other publication, the radio or television broadcaster or the person using another information medium or technology, if a writing, object, advertising material or advertisement relating to an election is printed, made, published, broadcast or circulated without the particulars required under section 421 or 421.1;

(2) the official agent or deputy official agent, or the private intervenor or the representative of a private intervenor, who allows a writing, object, advertising material or advertisement relating to an election to be printed, made, published, broadcast or circulated without the particulars required under section 421 or 421.1.

2008, c. 22, s. 78.

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- Election expenses. **560.** Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid otherwise than as permitted by this Act is liable to a fine of \$5,000 to \$20,000.
1989, c. 1, s. 560; 2011, c. 38, s. 27.
- Authorization. **561.** Every person who solicits or collects contributions or incurs expenses without holding an authorization from the Chief Electoral Officer or the financial representative of a party leadership candidate, as applicable, is liable to a fine of \$5,000 to \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of \$10,000 to \$50,000.
1989, c. 1, s. 561; 2011, c. 38, s. 28.
- Member of the National Assembly. **562.** The Member who sits or votes in the National Assembly contrary to section 127 or 442 is liable to a fine of \$500 for each day on which he so sits or votes.
1989, c. 1, s. 562; 1998, c. 52, s. 87.
- Omissions. **563.** Every person who fails to file a report or return prescribed by Titles III and IV, to send contribution slips in accordance with section 127.9 or to pay within the prescribed time a claim made by the Chief Electoral Officer under section 453 or section 455 is liable to a fine of \$50 for each day of delay.

In addition, every person who does not provide information or documents required in accordance with section 112.1 within the prescribed time is liable to a fine of \$50 for each day of delay.
1989, c. 1, s. 563; 2011, c. 38, s. 29; 2016, c. 18, s. 38.
- Offences and penalties. **564.** A person who contravenes any of sections 62, 66, 74, 76, 92, 93, 95, 96, 97, 99, 102 to 104.1, the first and second paragraphs of section 105, sections 105.1, 106, 127.1, 127.2 and 127.4, the second paragraph of section 127.7, the second paragraph of section 127.8, sections 127.10, 408, 410, 416 to 420, 422 to 424, 457.2, 457.9 and 457.11 to 457.17, and the first paragraph of section 127.8 and section 127.11 to the extent that they refer to any of those sections is liable to a fine of \$500 to \$10,000.
1989, c. 1, s. 564; 1995, c. 23, s. 49; 1998, c. 52, s. 88; 2001, c. 72, s. 32; 2008, c. 22, s. 79; 2010, c. 32, s. 10; 2011, c. 38, s. 30; 2016, c. 18, s. 39.
- 564.1.** The following are liable to a fine of \$5,000 to \$20,000 for a first offence and a fine of \$10,000 to \$30,000 for any subsequent offence within 10 years:
- (1) an 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;

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

If a person is convicted of an offence under this section, 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. 11.

564.2. A person who contravenes or attempts to contravene any of sections 87 to 91, 100, 127.5, 127.6, the first and third paragraphs of section 127.7, sections 413 to 415, 429 and 429.1, and the first paragraph of section 127.8 and section 127.11 to the extent that they refer to any of those sections is liable to a fine of \$5,000 to \$20,000 for a first offence and a fine of \$10,000 to \$30,000 for any subsequent offence within 10 years, in the case of a natural person, or to a fine of \$10,000 to \$50,000 for a first offence and a fine of \$50,000 to \$200,000 for any subsequent offence within 10 years, in the case of a legal person.

If a person is convicted of an offence for contravening or attempting to contravene any of sections 87, 90 and 91, the first and third paragraphs of section 127.7, and section 127.8 to the extent that it refers to any of those sections, 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. 11; 2011, c. 38, s. 31.

Fine. **565.** Every person who contravenes any provision of this Act or the regulations hereunder for which no other penalty is provided is sentenced to a fine of \$500.

1989, c. 1, s. 565; 2011, c. 38, s. 33.

Aiding. **566.** Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence if he knew or should have known that his conduct would probably result in aiding to commit the offence.

Inciting. Every person who encourages, advises, allows, authorizes or orders another person to commit an offence is guilty of the offence, and of any other offence the other person commits if he knew or should have known that his conduct would probably result in the commission of the offences.

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Insufficient ground. 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.

1989, c. 1, s. 566; 1998, c. 52, s. 89.

566.1. 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.

2010, c. 36, s. 5.

Corrupt electoral practices. **567.** Any offence described in section 551.1 or 553.1, in paragraph 1 or 3 of section 554, in paragraph 3 of section 555, in paragraph 4 of section 556, in any of sections 557 to 559.1, in section 560, in section 564.1, in section 564.1.1 or in section 564.2 where it refers to sections 87, 90, 91, the first and third paragraphs of section 127.7 and the first paragraph of section 127.8 to the extent that it refers to section 90 is a corrupt electoral practice.

Error in good faith. Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 559, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under the second paragraph of section 445, the election expenses incurred or authorized by the official agent exceed the maximum fixed by section 426 and if the refusal or failure to pay the contested expense arises from an error in good faith.

1989, c. 1, s. 567; 1995, c. 23, s. 50; 2010, c. 32, s. 12; 2011, c. 38, s. 34; 2016, c. 16, s. 41.

Loss of right. **568.** Every person who is convicted of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by an order of the Government or by a resolution of the National Assembly.

Election void. Furthermore, where the person convicted of an offence contemplated in section 557 or 558 is a Member of the National Assembly, his election is void.

1989, c. 1, s. 568; 1990, c. 4, s. 965.

Criteria. **568.1.** Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence:

- (1) the fact that it is a second or subsequent conviction;
- (2) the status of the offender;
- (3) the size of the expense or contribution.

1998, c. 52, s. 90.

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Penal proceedings. **569.** The Chief Electoral Officer may institute penal proceedings for an offence under this Title. 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.

Prescription. Such proceedings are prescribed seven years after the date the offence was committed. However, proceedings relating to an offence under section 551.1 or 553.1, paragraph 1 or 3 of section 554, paragraph 3 of section 555, paragraph 4 of section 556 or section 557 or 558 are prescribed 10 years after the date the offence was committed.

1989, c. 1, s. 569; 1990, c. 4, s. 966; 1992, c. 61, s. 285; 2010, c. 35, s. 18; 2010, c. 36, s. 6; 2016, c. 18, s. 45.

569.1. 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 under this Title that are listed in Schedule I to that Act.

2015, c. 6, s. 40.

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