
Extracts of the

Election Act

**Private
intervenors**



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 private intervenors. When it is intended to interpret or to enforce the Act, the official wording published by the Quebec Official Publisher should be used.

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

Updated January 1, 2017

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	

TABLE OF CONTENTS

	section	page
TITLE I		
ELECTORS		1
Chapter I		
Qualified electors.....	1	1
TITLE IV		
ELECTION PERIOD.....		1
Chapter IV.1		
Election posters and billboards	259.1	1
Chapter VI		
Control of election expenses		3
Division I		
Election expenses	401	3
Division V		
Authorization and expenses of private intervenors	457.2	6
TITLE VI		
ELECTORAL ORGANS.....		12
Chapter I		
The Chief Electoral Officer.....		12
Division II		
Functions and powers.....		12
§1.– Role of the Chief Electoral Officer.....	485	12
§2.– Inspections.....	490.1	14
§3.– Inquiries.....	491	15
TITLE VIII		
PENAL PROVISIONS	556.1	17

Chapter E-3.3

ELECTION ACT

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.

TITLE IV ELECTION PERIOD

CHAPTER IV.1 ELECTION POSTERS AND BILLBOARDS

1998, c. 52, s. 57.

Election posters and billboards. **259.1.** Notwithstanding any inconsistent legislative or regulatory provision, election posters and billboards shall not be subject, during an election period, to any restriction or condition except as provided by this Act.

1998, c. 52, s. 57.

Restrictions. **259.2.** Election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.

ELECTION ACT

Utility poles. Election posters may also be placed on public utility poles.
1998, c. 52, s. 57.

Requirements. **259.3.** Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.
1998, c. 52, s. 57.

Restrictions. **259.4.** No election poster or billboard may be placed on a classified heritage immovable, on a classified heritage site within the meaning of the Cultural Heritage Act (chapter P-9.002) or in an area declared a national heritage site under that Act.
1998, c. 52, s. 57; 2011, c. 21, s. 228.

Restrictions. **259.5.** No election poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.

Restrictions. No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.

Restriction. No election poster or billboard may be placed on the right of way of a road if the right of way is contiguous to a residential immovable.
1998, c. 52, s. 57; 2001, c. 72, s. 21.

Requirements. **259.6.** Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.

Easy removal. Posters and billboards must be affixed in such a manner that they can be easily removed.
1998, c. 52, s. 57.

Conditions. **259.7.** Election posters placed on public utility poles must meet the following conditions:

- (1) the highest part of the poster must not be more than five metres above ground;
- (2) the poster must not have any metal or wood frame;
- (3) the poster must not be affixed with nails or metal fasteners or by means of a device that may damage or leave permanent marks on the pole;
- (4) the poster must not obstruct any identification plate on the pole.

Banner, streamer and flag. Moreover, no banner, streamer or flag may be affixed to a public utility pole.

ELECTION ACT

Removal by workers. Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done and, except in an emergency, after advising the candidate or, where applicable, the authorized party, remove any election poster from a pole.

1998, c. 52, s. 57; 1999, c. 15, s. 8; 2001, c. 72, s. 22.

Removal. **259.8.** All election posters and billboards must be removed not later than 15 days after the polling date, failing which they may be removed by the local municipality or by the owner of the property or poles, at the expense of the party or candidate concerned or, where applicable, of the private intervenor within the meaning of Division V of Chapter VI, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

Notice and bill. The notice shall indicate the places where posters or billboards are to be removed. If posters or billboards had to be removed by the municipality or by the owner at the expense of the party, candidate or private intervenor, the bill shall indicate the place and date of removal.

1998, c. 52, s. 57.

Compliance. **259.9.** The party, candidate or private intervenor shall ensure that the provisions of this chapter are complied with.

1998, c. 52, s. 57.

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.

1989, c. 1, s. 401; 1992, c. 38, s. 58; 1998, c. 52, s. 69; 2001, c. 2, s. 37.

ELECTION ACT

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;

(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;

ELECTION ACT

(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.

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.

ELECTION ACT

- 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.
- 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.
- 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.

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.

ELECTION ACT

- 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.
- 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;

ELECTION ACT

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;

(5) declare that the group does not intend to directly promote or oppose any candidate or party;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;

(8) declare that the representative of the group is not a member of any party;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

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.

ELECTION ACT

- 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.
- 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.

ELECTION ACT

- 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.
- 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.

ELECTION ACT

- 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).

ELECTION ACT

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.

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.

ELECTION ACT

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.

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.

ELECTION ACT

§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.

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.

ELECTION ACT

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.

ELECTION ACT

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.

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.

ELECTION ACT

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.

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

1989, c. 1, s. 494; 1999, c. 15, s. 24.

TITLE VIII PENAL PROVISIONS

Offences and penalties. **556.1.** The following persons are liable to a fine of \$500 to \$2,000:

(1) every person who erects an election poster or billboard in contravention of any of the provisions of sections 259.2 to 259.5 or of the conditions provided in the first paragraph of section 259.7;

(2) every person who affixes an election banner, streamer or flag on a public utility pole.

1998, c. 52, s. 84; 2011, c. 38, s. 20.

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.

ELECTION ACT

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.

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.

ELECTION ACT

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.

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.

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.

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.

ELECTION ACT

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.

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.

