

GUIDE FOR A PRIVATE INTERVENOR - Elector

Version française disponible sur demande

Foreword

New provisions have been introduced in the Election Act to allow an elector or a group not endowed with a legal personality and made up of physical persons, the majority of whom are qualified electors to incur publicity expenses, without directly promoting or opposing a candidate or a party, either to express views on a matter of public interest or to obtain support for such views, or to advocate abstention or the spoiling of ballots. This elector or group of electors designated under the name of private intervenor must, in particular, obtain prior authorization, not incur publicity expenses for an amount exceeding \$ 300, not incur expenses jointly with any person, and file a report of all his or its expenses

In order to facilitate the comprehension of the responsibilities of the private intervenor - elector, we have prepared this guide.

Authorization

To act as a private intervenor - elector, you must obtain an authorization from the returning officer of your electoral division by completing the form "**Application for authorization of a private intervenor - Elector**" (DGE-705). This application must be submitted to the returning officer of your electoral division between the 27th and 13th day preceding polling day. The returning officer will issue you an authorization number. This authorization is only valid for one election.

Responsibilities

The private intervenor - elector may not:

- obtain more than one authorization during the same election period (s. 457.9);
- be a member or, during the election period, become a member of a party (s. 457.3, 457.12);
- incur expenses that are not related to the purpose stated in the application or that directly promote or oppose a candidate or a party (s. 457.13);
- incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person (s. 457.14);
- pay an expense of \$25 or more without a voucher in the form of an itemized invoice. This invoice must indicate the goods and services furnished and their rate or unit price (s. 457.17).

Moreover, the private intervenor - elector must:

- pay every expense out of his own funds (s. 457.15). These publicity expenses must not exceed \$300;
- pay any expense by cheque or order of payment drawn on his account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor - elector (s. 457.15);

- indicate or mention in his advertisement, in the case of newspapers, radio and television, his authorization number and, in the case of printed matter, his authorization number as well as the name and address of the printer or manufacturer (s. 421.1);
- submit in the 30 days following polling day, to the Chief Electoral Officer a report of all his expenses, using the form prescribed by the latter (DGE-708); this report must be accompanied with invoices, receipts, other vouchers, or certified copies of those documents, a list thereof and a sworn declaration (s. 457.18).

Withdrawal of authorization

The Chief Electoral Officer may automatically or upon request withdraw the authorization of a private intervenor - elector if he ascertains that:

- the application for authorization contains false or inaccurate information;
- the private intervenor is no longer qualified for such authorization;
- the private intervenor has contravened any applicable provision of the Election Act.

However, before withdrawing the authorization, the Chief Electoral Officer must allow the private intervenor to present observations and make any necessary corrections. A decision to withdraw must be in writing and contain reasons (s. 457.20).

Accessibility

The Chief Electoral Officer makes public a report concerning the summaries of the reports of expenses in the 60 days following the expiry of the deadline for submitting them. The Chief Electoral Officer keeps the reports, declarations, invoices, receipts and other vouchers for two years, from the date they were received. During this period, he must allow any elector to examine these documents and to make a copy thereof. At the end of this period, the Chief Electoral Officer must remit the invoices, receipts and other vouchers to the private intervenor - elector that requests them; otherwise he may destroy them (s. 457.19, 435 and 436).

Penal provisions

A private intervenor is liable to a fine of \$1,000 to \$10,000 if he makes a false declaration, if he submits a false report or if he submits an invoice, a receipt or other voucher that is false or falsified. In addition, he is liable to a fine of \$50 for each day late, if he fails to file his report of expenses. Finally, the private intervenor is liable to a fine of \$500 to \$10,000 if he contravenes sections 457.9, 457.12, 457.13, 457.14, 457.15, 457.16 and 457.17 of the Election Act.

Other

For more information, you can contact the staff of the Service de la vérification - Financement at the following telephone numbers: 646-3433 from Québec City and 1-800-463-4385 from outside Québec.