

Bill 101

**An Act to give effect to the
Charbonneau Commission
recommendations on political financing**

Section 31.1

AMENDMENT:

Insert after section 13:

13.1. Section 127.8 of the Act is amended by inserting “the reference to section 105.1 in subparagraphs 4 and 4.1 and” after “except” in the first paragraph.

Adopté
M.P.

Bill 101

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Section 22

AMENDMENT:

Replace proposed section by:

542.2. The Chief Electoral Officer shall prepare a report on the application of the financing rules set out in Title III and Chapter VI of Title IV of this Act, Chapters XIII and XIV of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) and Chapter XI of the Act respecting school elections (chapter E-2.3) and on the advisability of modifying them.

The report shall be submitted before 1 April to the President of the National Assembly, who shall table it in the Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly shall subsequently examine the report.

Adapté
M.P.

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Section 0.1

AMENDMENT:

Insert before section 1:

0.1. The Election Act (chapter E-3.3) is amended by inserting the following section before section 40.39:

“**40.38.4.** The Chief Electoral Officer or any person designated by him in accordance with the law may use any information contained in the permanent list of electors for an inspection, inquiry and proceedings related to the application of this Act or the regulations or any other Act or regulation partly or wholly under his administration.”

Adopte
MP.

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. The Act is amended by inserting the following section after section 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.”

Adapté
MP.

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Section 12

AMENDMENT:

Replace proposed subparagraphs 4 and 5 by the following paragraph:

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.”

*Adopte
MP.*

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Section 13

AMENDMENT:

Replace by:

13. Section 122 of the Act is amended, in the second paragraph,

(1) by replacing “, and the information provided for in section 115” by “, the information prescribed in section 115 and the candidate’s signature”;

(2) by inserting “, 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” at the end of the second sentence;

(3) by adding the following sentence at the end: “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.”

*Adopte
MR.*

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Section 13.0.1

AMENDMENT:

Insert after section 13:

13.0.1. Section 126 of the Act is amended by inserting “the list of designations made under section 92,” after “public information, except” in the first paragraph.

Adopté
MN

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Section 20.1

AMENDMENT:

Insert after section 20:

20.1. The Act is amended by inserting the following before section 485:

“§ 1. — *Role of the Chief Electoral Officer*”.

Adopté
M.C.

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Section 20.2

AMENDMENT:

Insert after section 20.1:

20.2. Section 485 of the Act is amended by inserting “and the regulations” after “of this Act” in the first paragraph.

*Adopté
M.D.*

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Section 20.3

AMENDMENT:

Insert after section 20.2:

20.3. Section 486 of the Act is amended

(1) by inserting “and the regulations” after “of this Act” in the introductory clause of the first paragraph;

(2) by inserting “or the regulations” after “of this Act” in subparagraph 3 of the first paragraph;

(3) by replacing “complaints and make inquiries where he considers it necessary” in subparagraph 4 of the first paragraph by “and process complaints”;

(4) by inserting “or the regulations” after “of this Act” in the second paragraph.

*Adopté
MO.*

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Section 20.4

AMENDMENT:

Insert after section 20.3:

20.4. The Act is amended by inserting the following after section 490:

“§ 2. — *Inspections*

“**490.1.** The Chief Electoral Officer may carry out inspections to verify compliance with this Act and 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 XI of the Act respecting school elections, and the regulations concerning matters related to those provisions.

“**490.2.** An inspector may

(1) enter, at any reasonable hour, premises where books, registers and 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, file or other relevant document, in order to verify compliance with this Act;

(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.

“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.

“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 that

(1) 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) the professional secrecy to which advocates 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.

“§ 3. — Inquiries”.

Adopte
MR.

SAM 1
AM 11
s. 20.4 (490.2)

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Section 20.4

AMENDMENT:

Replace "and" in subparagraph 1 of the first paragraph of proposed section 490.2 by ", accounts, records and other".

*Adopté
m.s.*

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Section 20.5

AMENDMENT:

Insert after section 20.4:

20.5. Section 491 of the Act is amended

- (1) by adding “or the regulations” at the end of the first sentence;
- (2) by adding the following paragraph at the end:

“This subdivision applies, with the necessary modifications, to inquiries made for the purposes of the Act respecting elections and referendums in municipalities, the Act respecting school elections and the regulations under those Acts.”

*Adopté
m.p.*

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Section 20.6

AMENDMENT:

Insert after section 20.5:

20.6. Section 492 of the Act is amended by replacing “where he considers the request” by “where the request is”.

*Adopté
ms.*

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Section 20.7

AMENDMENT:

Insert after section 20.6:

20.7. The Act is amended by inserting the following section after section 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 that

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

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

(3) 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.

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."

Adapté
me.

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Section 20.9

AMENDMENT:

Insert after section 20.8:

20.9. Section 496 of the Act is amended by striking out the second paragraph.

*Adopte
mn.*

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Section 20.8

AMENDMENT:

Insert after section 20.7:

20.8. The Act is amended by inserting the following section after section 495:

“**495.1.** Subject to the first paragraph of section 488.1, sections 489, 489.1, 490, 516, 525 and 542 and the first paragraph of section 550, the Chief Electoral Officer may entrust the exercise of any power or function conferred on him by this Act to a member of his personnel.

He may also designate any person to make inquiries or carry out inspections with regard to any matter relating to the application of this Act or the regulations. In such a case, the designated person may exercise any inspection or inquiry powers or functions conferred on the Chief Electoral Officer. Such a person must, on request, identify himself and produce a certificate of authority.

The first paragraph does not prevent the Chief Electoral Officer from entrusting to any person the functions referred to in the first paragraph of section 59, the third paragraph of section 335.2, section 370.4, the second paragraph of section 370.11, the first paragraph of section 494, or section 499 or 509.

*Adopte
mn.*

SAM 1
AM 16
s. 20.8 (495.1)

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Section 20.8

AMENDMENT:

Replace "and 542" in the first paragraph of proposed section 495.1 by ", 542 and 542.2".

*Adopté
m.*

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Section 22.1

AMENDMENT:

Insert after section 22:

22.1. The Act is amended by inserting the following sections after proposed section 559.1:

“**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.

“**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, is guilty of an offence and, where no other penalty is prescribed, 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.”

*Adopté
M.P.*

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Section 22.2

AMENDMENT:

Insert after section 22.1:

22.2. Section 563 of the Act is amended by adding the following paragraph at the end:

“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.”

*Adopté
M.*

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Section 25.1

AMENDMENT:

Insert after section 25:

25.1. Section 572.1 of the Act is amended by replacing “neither the Chief Electoral Officer nor his employees may” by “the Chief Electoral Officer, his employees, and any other person designated by the Chief Electoral Officer to carry out an inspection or inquiry may not”.

*Adopté
mn.*

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Section 25.2

AMENDMENT:

Insert after section 25.1:

25.2. Section 572.2 of the Act is amended by replacing “or his employees” by “, his employees, or any other person designated by the Chief Electoral Officer to carry out an inspection or inquiry”.

*Adopté
MO.*

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Section 25.3

AMENDMENT:

Insert after section 25.2:

25.3. Section 573 of the Act is amended by inserting “any person designated by him to carry out an inspection or inquiry,” after “Chief Electoral Officer,” in the first paragraph.

*Adopté
m.*

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Section 32.1

AMENDMENT:

Insert after section 32:

32.1. Sections 40.38.4, 490.1 and 495.1 of the Election Act (chapter E-3.3), enacted by sections 0.1, 20.4 and 20.8, and the new provisions of sections 485, 486, 491, 492, 572.1, 572.2 and 573 of the Election Act, enacted by sections 20.2, 20.3, 20.5, 20.6, 25.1, 25.2 and 25:3, are declaratory.

*Adopté
m.*

AM 23
s. 4 (95.1)

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Section 4

AMENDMENT:

Withdraw.

*Adopte
M.P.*

Bill 101

**An Act to give effect to the
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Section 5

AMENDMENT:

Replace section 5 by:

5. Section 100 of the Act is amended

(1) by replacing the first two paragraphs by the following paragraphs:

“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.

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.”;

(2) by striking out the third paragraph.

*Adapté
M.P.*

AM 25
s. 28 (434)

Bill 101

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Section 28

AMENDMENT:

Withdraw.

*Adopté
m.p.*

Bill 101

**An Act to give effect to the
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Section 29

AMENDMENT:

Replace by:

29. Section 440 of the Act is amended

(1) by replacing the first two paragraph by the following paragraphs:

“If a contribution or part of a contribution was made contrary to this division, the party or independent candidate shall, as soon as the fact is known, remit such a contribution to the treasurer.

The sums remitted must be paid into the municipality’s general fund.

The Chief Electoral Officer may, after notifying the official representative of a party or of an official candidate of his intention, apply to the competent court for an order to comply with the first paragraph.”;

(2) by striking out the third paragraph.

*Adopte
m.*

Bill 101

**An Act to give effect to the
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Section 30

AMENDMENT:

Replace "within 30 days after" in proposed section 614 by "immediately on".

*Adopté
MP?*

Bill 101

**An Act to give effect to the
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Section 31

AMENDMENT:

Replace section 31 by:

31. Section 206.26 of the Act respecting school elections (chapter E-2.3) is amended

(1) by replacing the first two paragraphs by the following paragraphs:

“If a contribution or part of a contribution was made contrary to this chapter, the authorized candidate must, as soon as the fact is known, remit such a contribution to the director general of the school board.

The sums remitted must be paid into the school board’s general fund.

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

(2) by striking out the third paragraph.

*Adopté
mn*

Bill 101

**An Act to give effect to the
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Section 20.3.1

AMENDMENT:

Insert after section 20.3:

20.3.1. Section 488 of the Act is amended by inserting the following after paragraph 2:

“(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;”

*Adopté
MN.*

Bill 101

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Section 26.1

AMENDMENT:

Insert the following section before the heading "ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES":

26.1. Section 90.6 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

- (1) by replacing "may" by "shall";
- (2) by inserting the following paragraph after paragraph 1:

"(1.1) make public the fact that he requested that an independent candidate remit to him a contribution or part of a contribution, under section 440, by publishing the request on his website 30 days after it was made, along with the name of the independent candidate, 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;"

Adopté
M.C.

Bill 101

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Section 30.1

AMENDMENT:

Insert the following section after the heading "ACT RESPECTING SCHOOL ELECTIONS":

30.1. Section 30.9 of the Act respecting school elections (chapter E-2.3) is amended

- (1) replacing "may" by "shall";
- (2) by inserting the following paragraph after paragraph 1:

"(2.1) make public the fact that he requested that an authorized candidate remit to him a contribution or part of a contribution, under section 206.26, by publishing the request on his website 30 days after it was made, along with the name of the authorized candidate, 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;"

*Adopté
m.*

Bill 101

**An Act to give effect to the
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Section 31.1

AMENDMENT:

Insert after section 31:

31.1. The Act is amended by inserting the following section after section 206.26:

“206.26.0.1. The Chief Electoral Officer may inform a candidate in writing that the candidate is holding a contribution or part of a contribution made contrary to this chapter and whose prescription period has expired.”

*Adopté
M.C.*

Bill 101

**An Act to give effect to the
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Section 32

AMENDMENT:

Replace by:

32. Paragraph 2 of each of sections 5, 29 and 31 has effect from 10 December 2010.

*Adopté
MN.*

Bill 101

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Section 3

AMENDMENT:

Replace “guarantee granted by an elector as surety” in subparagraph 4.1 of the second paragraph of proposed section 88 by “suretyship contracted by an elector”.

Adopté
M.C.

Bill 101

**An Act to give effect to the
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Section 7

AMENDMENT:

Replace “has not nor will not be” in the proposed paragraph by “has not been nor will be”.

*Adopte
no.*

Bill 101

**An Act to give effect to the
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Section 24

AMENDMENT:

Replace “has not nor will not be” in proposed section 564.1.1 by “has not been nor will be”.

*Adopté
M.C.*

Bill 101

**An Act to give effect to the
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recommendations on political financing**

Section 31.2

AMENDMENT:

Insert before section 32:

31.2. The official representatives, delegates, financial representatives, official agents and deputies in office on 1 January 2017 must take the training required under section 1 or 17, as applicable, before 1 January 2018.

Adopté
m.

Bill 101

**An Act to give effect to the
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recommendations on political financing**

Section 33

AMENDMENT:

Replace section 33 by:

33. This Act comes into force on (*insert the date of assent to this Act*), except sections 1 and 2, paragraphs 2 to 4 of section three, sections 4, 6 to 8, 10 and 11, sections 12 and 13 except insofar as they concern the sending of a list of designations made under section 92, and sections 13.1, 14 to 17, 19, 20, 21 and 23 to 25, which come into force on 1 January 2017.

Adopté
MR