



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 78

**An Act to amend the Election Act with
regard to electoral representation and
political party financing rules and to
amend other legislative provisions**

Introduction

**Introduced by
Mr. Claude Bécharde
Minister responsible for the Reform of Democratic
Institutions**

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EXPLANATORY NOTES

This bill amends the Election Act with regard to electoral representation by setting out new rules and a new procedure for the determination of the number and boundaries of electoral divisions.

Moreover, as regards the financing of political parties, the allowance paid by the Chief Electoral Officer to political parties is increased and the manner in which the tax credit for a contribution to a political party is determined is modified. Anonymous donations are prohibited, the rule providing that an elector's contribution must be derived from the elector's property is tightened, and certain financial reporting rules are modified. In addition, new rules governing the financing of political party leadership campaigns are introduced.

Various measures are introduced to ensure financing rules are complied with. In particular, the amount of fines for contravening contribution rules are increased, a new provision is introduced concerning the penal liability of parties and their officers and, for a period of five years after the conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence related to contributions or with a legal person or partnership one of whose directors, officers or partners has been convicted of such an offence.

Lastly, various measures provided for are also introduced into the Act respecting elections and referendums in municipalities and the Act respecting school elections.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Taxation Act (R.S.Q., chapter I-3).

Bill 78

AN ACT TO AMEND THE ELECTION ACT WITH REGARD TO ELECTORAL REPRESENTATION AND POLITICAL PARTY FINANCING RULES AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Sections 14 to 17 of the Election Act (R.S.Q., chapter E-3.3) are replaced by the following sections:

“14. Québec shall be divided into as many electoral divisions as are required to comply with the rules set out in this chapter, with due regard for the principle of effective representation of electors.

“15. For the purpose of determining the number of electoral divisions, the following administrative regions are used and the minimum number of electoral divisions for each region is as follows:

— Bas-St-Laurent	4
— Saguenay–Lac-Saint-Jean	5
— Capitale-Nationale	11
— Mauricie	5
— Estrie	5
— Montréal	28
— Outaouais	5
— Abitibi-Témiscamingue	3
— Côte-Nord	2
— Chaudière-Appalaches	8
— Laval	5
— Lanaudière	6
— Laurentides	8
— Montérégie	21
— Centre-du-Québec	4

The administrative region of Gaspésie–Îles-de-la-Madeleine is used, exclusive of the territory of Municipalité des Îles-de-la-Madeleine, and the minimum number of electoral divisions for that region is 3.

“16. The territory of Îles-de-la-Madeleine described in Schedule I, the territory of Ungava described in Schedule I.1 and the territory of Nunavik described in Schedule I.2 each constitute an electoral division.

“17. Each administrative region mentioned in section 15, including in the second paragraph, is to be attributed a preliminary number of electoral divisions corresponding to the quotient obtained by dividing the number of electors on the permanent list of electors for that region by the provincial quotient.

The provincial quotient is obtained by dividing the total number of electors on the permanent list of electors, excluding the electors of electoral divisions mentioned in section 16, by 123.

If the quotients determined under this section include a decimal, it is to be rounded off to the higher digit if it is equal to or greater than 5 and, if not, to the lower digit.

“17.1. If the preliminary number of electoral divisions attributed to a region in accordance with section 17 is equal to or less than the minimum number of electoral divisions specified in section 15 for that region, the region is allocated that minimum number of electoral divisions.

If the preliminary number of electoral divisions exceeds the minimum number, the region is allocated a number of electoral divisions equal to that preliminary number.

“17.2. The Commission de la représentation shall determine the number of electoral divisions in accordance with sections 16 and 17.1.

“17.3. The Commission de la représentation shall delimit each electoral division in compliance with the rules set out in sections 17.4 and 17.5.

“17.4. Except for the electoral divisions mentioned in section 16, every electoral division must be delimited in such a way that the number of electors on the permanent list of electors for the electoral division does not deviate by more than 25% from the quotient obtained by dividing the total number of electors on the permanent list of electors for the region in which the electoral division is located by the number of electoral divisions in that region.

“17.5. An electoral division is a natural community identified on the basis of demographic, geographical and sociological considerations such as population density, the foreseeable rate of population fluctuation, the accessibility, area and shape of the region, the natural local boundaries and the territories of municipalities and school boards.”

2. Section 19 of the Act is replaced by the following section:

“**19.** The Commission shall make a new determination of the number of electoral divisions and a new delimitation of those divisions according to the rules and in the manner set out in this chapter.”

3. Section 22 of the Act is amended by replacing the first paragraph by the following paragraph:

“**22.** On or before the ninth anniversary of the last publication in the *Gazette officielle du Québec* provided for in section 29, the Commission shall submit to the President or the Secretary General of the National Assembly a preliminary report containing a proposed number and delimitation of electoral divisions.”

4. Section 23 of the Act is amended by replacing “diffusion of the proposed boundaries of the electoral divisions submitted in” by “dissemination of the content of”.

5. Section 28 of the Act is amended by replacing “indicating the boundaries of the electoral divisions” in the first paragraph by “indicating the number of electoral divisions and their boundaries”.

6. Section 29 of the Act is amended by replacing “establish the boundaries of the electoral divisions” in the first paragraph by “determine the number of electoral divisions and their boundaries,”.

7. Section 30 of the Act is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the foregoing, the Commission shall take the necessary steps to ensure the best possible dissemination of the delimitation of the electoral divisions, particularly, the number of new electoral divisions, if applicable, and the changes made in relation to the previous delimitation.”

8. The heading of Title III of the Act is replaced by the following heading:

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

9. Section 82 of the Act is amended by replacing “\$0.50” by “\$0.82”.

10. Section 88 of the Act is amended by striking out subparagraph 2 of the second paragraph.

11. Section 90 of the Act is amended by adding the following sentence at the end: “Contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

12. Section 91 of the Act is amended by inserting “Subject to a contribution referred to in section 127.7,” at the beginning of the first paragraph.

13. Section 114 of the Act is amended

(1) by inserting “prepared on the accrual basis of accounting” after “expenditures” in the portion before paragraph 1;

(2) by striking out paragraph 1.

14. Section 117 of the Act is amended

(1) by adding the following at the end of the first paragraph: “in the form prescribed by the Chief Electoral Officer. In addition, the financial report of an authorized party authority must contain a balance sheet.”;

(2) by replacing the second paragraph by the following paragraph:

“The report must reconcile cash balances from the beginning of the fiscal year and the end of the fiscal year. It must also contain an income statement made in accordance with section 114 and the information prescribed in section 115.”

15. Section 118 of the Act is amended by replacing “two years” by “five years”.

16. The Act is amended by inserting the following chapter after section 127:

“CHAPTER III

“FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

“**127.1.** If an authorized political party decides to launch 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 date on which the party leadership campaign is to begin, the final date for entering the race, the date of the vote and the maximum amount of authorized expenses, determined by the party, for each candidate.

“**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 official agent and the name of the leadership candidate on whose behalf the official agent is acting. A document containing the written consent of each official agent must also be filed.

“127.3. At the request of a leadership candidate, the official representative of the party may by written designation authorize persons to solicit and collect contributions for the exclusive purpose of that candidate’s campaign. Those persons must remit all contributions collected to the official representative.

“127.4. The Chief Electoral Officer shall keep a register of the leadership candidates, their official agents and the maximum amount of authorized expenses for each candidate.

“127.5. The official representative of the party shall open an account in a bank, trust company or financial services cooperative having an office in Québec.

Only sums of money collected under this chapter or taken from the account referred to in section 99 may be deposited into the account referred to in the first paragraph.

“127.6. The official agent of a leadership candidate shall open an account in a bank, trust company or financial services cooperative having an office in Québec. The official representative of the party shall deposit the sums of money to which the candidate is entitled into that account.

Only that account may be used by the official agent to pay an expense for the candidate.

“127.7. Only an elector may make a contribution in support of one or more candidates. Contributions must be paid to the official representative of the party or to a person designated by the official representative under section 127.3.

The total of an elector’s contributions may not exceed \$3,000 during a given leadership campaign.

“127.8. The official representative of the party shall specify in support of which leadership candidate each contribution is made.

“127.9. Sections 88 to 90, the second and third paragraphs of section 91, and sections 92, 95 to 98 and 100 apply, with the necessary modifications, to the contributions referred to in this chapter.

“127.10. Every leadership campaign financing activity must be authorized by and remains the exclusive responsibility of the official representative of the party.

“127.11. Only the official representative of the party may contract a loan for the purposes of a leadership campaign, and section 105 applies to any such loan.

“127.12. Before filing the return referred to in section 127.15, the official agent must have paid all claims received within 60 days after the vote, except those the official agent contests. The official representative of the party shall pay accounts and invoices within six months of their receipt, except those the official representative contests.

“127.13. For the purposes of this chapter, leadership campaign expenses are the expenses incurred during the leadership campaign by or on behalf of a leadership candidate and the expenses incurred during the leadership campaign by the official representative of the party or a person designated in writing by the official representative. Sections 401 to 404, 407 to 413, 415 to 417, 421, 423, 424, 430 and 431 apply to those expenses, with the necessary modifications.

“127.14. Any person to whom an amount is due for an expense incurred under this chapter shall present a claim to the official agent of the candidate concerned within 60 days after the vote. No expense may be paid by the official agent if the claim is presented after the expiry of the prescribed time.

If the official agent has died or resigned and has not been replaced, the claim must be presented within the same time to the official representative of the party or to the candidate concerned.

After the expiry of the time prescribed in the first paragraph, the creditor has 120 days to file a claim with the official representative of the party, failing which the claim is prescribed.

“127.15. The official agent of each leadership candidate shall, whether the candidate remained in the race, withdrew, was excluded or died, file a return of leadership campaign expenses with the official representative of the party within 90 days after the vote, in the form prescribed by the Chief Electoral Officer.

The return must contain an itemized statement of the expenses incurred and of the sums of money received from the official representative of the party, and a declaration in the form prescribed by the Chief Electoral Officer. It must also state, if applicable, the date of the withdrawal, exclusion or death of the candidate.

The return must be filed with all relevant vouchers, which must be kept by the official representative of the party for a period of five years, and be presented to the Chief Electoral Officer at the Chief Electoral Officer's request.

“127.16. The official representative of the party shall, within 120 days after the vote, file a report, in the form prescribed by the Chief Electoral Officer, detailing all the sums of money the official representative collected during and for the purposes of the leadership campaign. The official representative shall attach all returns of expenses of the official agents to the report.

The report must also contain the following information: the amount of any loan, the amount of outstanding debt, the interest paid, the amount of contributions and of any other funds used to reduce or eliminate the debt, if applicable, the name and address of every elector who made a contribution and the amount of each such contribution, and the total value of the contributions collected.

“127.17. The official agent of a leadership candidate shall send to the official representative of the party, along with the official agent’s return of expenses, any sum of money remaining after the payment of debts. The official representative shall deposit the sum of money into the account referred to in section 99.”

17. Section 310.1 of the Act is replaced by the following section:

“310.1. In every polling station, the returning officer shall appoint, as officer assigned to the list of electors, the person recommended by the candidate of the authorized party whose candidate came third at the last election.”

18. Section 315.1 of the Act is amended by replacing “The officers assigned to the list of electors shall have” at the beginning by “The officer assigned to the list of electors shall have”.

19. Section 328 of the Act is amended by replacing “the officers” in the first paragraph by “the officer”.

20. Section 436 of the Act is amended

(1) by replacing “two years” in the first paragraph by “five years”;

(2) by replacing “or to the candidates” in the second paragraph by “, the election candidates or the leadership candidates, as the case may be,”.

21. Section 564 of the Act is replaced by the following section:

“564. A person who contravenes any of sections 62, 64, 66, 74, 76, 102 to 106, 127.1, 127.2, 127.11, 127.12, 408, 410, 413 to 420, 422 to 424, 429, 429.1, 457.2, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.”

22. The Act is amended by inserting the following sections after section 564:

“564.1. A person who contravenes any of sections 87 to 93, 95 to 97, 99, 100, 127.5 to 127.7 and, to the extent that it refers to any of those sections, section 127.9 is liable to a fine of \$1,000 to \$10,000 for a first offence and a fine of \$2,000 to \$20,000 for any subsequent offence within five years, in the case of a natural person, and to a fine of \$5,000 to \$30,000 for a first offence and a fine of \$10,000 to \$60,000 for any subsequent offence within five years, in the case of a legal person.

If a person is found guilty of an offence for contravening any of sections 87, 90, 91, 95, 127.7 and, to the extent that it refers to any of those sections, section 127.9, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to the amount of the illegal contribution for which the person is found guilty, even if the maximum fine under the first paragraph has been imposed on the person.

“564.2. For a period of five years from the date of the final judgment of conviction, no public contract may be entered into with

(1) a natural or legal person who has been convicted of an offence for contravening any of sections 87, 90, 91, 95, 127.7 and, to the extent that it refers to any of those sections, section 127.9; or

(2) a legal person or partnership one of whose directors, officers or partners has been convicted of such an offence.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following are party:

(1) a government department;

(2) a body all or part of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) a body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(4) a body a majority of whose members or directors are appointed by the Government or a minister and at least half of whose expenditures are borne directly or indirectly by the consolidated revenue fund;

(5) a school board, the Comité de gestion de la taxe scolaire de l'Île de Montréal, a general and vocational college or a university institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(6) a health and social services agency or a public institution governed by the Act respecting health services and social services (chapter S-4.2), a legal person or a joint procurement group referred to in section 383 of that Act, the James Bay Cree health and social services council established under the Act respecting health services and social services for Cree Native persons (chapter S-5), a health communication centre within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d'hébergement du Québec;

(7) a municipality, a metropolitan community, the Kativik Regional Government, a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01), an intermunicipal board, a public transit authority, an intermunicipal board of transport or any body referred to in section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

A person appointed or designated by the Government or a minister, together with the personnel directed by that person, is considered to be a body in the exercise of functions assigned to that person by law, the Government or a minister.”

23. The Act is amended by inserting the following section after section 566:

“**566.1.** A political party is deemed to have acted or omitted to act if its leader, 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 the act or omission.

If a political party so commits an offence, any person mentioned in the first paragraph who committed, allowed or tolerated the act or omission may be prosecuted and convicted whether or not the party was prosecuted or convicted.”

24. Schedule I to the Act is replaced by the following schedules:

“SCHEDULE I

“ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE
(*Section 16*)

The electoral division of Îles-de-la-Madeleine is made up of the territory of Municipalité des Îles-de-la-Madeleine.

“SCHEDULE I.1

“ELECTORAL DIVISION OF UNGAVA (Section 16)

The electoral division of Ungava includes the following municipalities: Baie-James, Chapais, Chibougamau, Chisasibi, Eastmain, Lebel-sur-Quévillon, Matagami, Mistissini, Nemiscau, Waskaganish, Waswanipi and Wemindji.

It includes the following reserved lands: Chisasibi, Eastmain, Mistissini, Nemiscau, Waskaganish, Waswanipi and Wemindji.

It also includes the Indian settlement of Oujé-Bougoumou.

“SCHEDULE I.2

“ELECTORAL DIVISION OF NUNAVIK (Section 16)

The electoral division of Nunavik is made up of the territory north of the 55th parallel, excluding the Cree Category IA and IB lands defined in the Agreement concerning James Bay and Northern Québec.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

25. The heading of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by the following heading:

“AUTHORIZATION AND FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES, FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS AND CONTROL OF ELECTION EXPENSES”.

26. Section 379 of the Act is replaced by the following section:

“**379.** If the office of leader of an authorized party becomes vacant, the party shall, within 30 days, appoint an interim leader and notify the Chief Electoral Officer of the appointment.”

27. Section 428 of the Act is amended by striking out paragraph 2.

28. Section 430 of the Act is amended by adding the following sentence at the end: “Contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

29. Section 431 of the Act is amended by inserting “Subject to a contribution described in section 499.7,” at the beginning.

30. Section 434 of the Act is amended by adding the following sentence at the end of the first paragraph: “The receipt must state the elector’s domiciliary address.”

31. Section 441 of the Act is repealed.

32. Section 480 of the Act is amended

(1) by inserting “prepared on the accrual basis of accounting” after “expenditures” in the portion before paragraph 1;

(2) by striking out paragraph 1.

33. The Act is amended by inserting the following after section 499:

“DIVISION VI.1

“FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

“499.1. If an authorized political party decides to launch a leadership campaign, the leader or interim leader of the party, or the person designated in writing by the leader or interim leader, shall file with the Chief Electoral Officer a declaration stating the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the vote and the maximum amount of authorized expenses, determined by the party, for each candidate.

“499.2. The leader or interim leader of the party, or the person designated in writing by the leader or interim leader, 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 official agent and the name of the leadership candidate on whose behalf the official agent is acting. A document containing the written consent of each official agent must also be filed.

“499.3. At the request of a leadership candidate, the official representative of the party may by written designation authorize persons to solicit and collect contributions for the exclusive purpose of that candidate’s campaign.

“499.4. The Chief Electoral Officer shall keep a register of the leadership candidates, their official agents and the maximum amount of authorized expenses for each candidate.

“499.5. The official representative of the party shall open an account in a financial institution having an office in Québec.

Only sums of money collected under this division or taken from the account referred to in section 439 may be deposited into the account referred to in the first paragraph.

“499.6. The official agent of a leadership candidate shall open an account in a financial institution having an office in Québec. The official representative of the party shall deposit the sums of money to which the candidate is entitled into that account.

Only that account may be used by the official agent to pay an expense for the candidate.

“499.7. Only an elector may make a contribution in support of one or more candidates. Contributions must be paid to the official representative of the party or to a person designated by the official representative under section 499.3.

The total of an elector’s contributions may not exceed \$1,000 during a given leadership campaign.

“499.8. The official representative of the party shall specify in support of which leadership candidate each contribution is made.

“499.9. Sections 427, 428, 430, 432, 434 to 436, 438 and 440 apply, with the necessary modifications, to the contributions referred to in this division.

“499.10. Every leadership campaign financing activity must be authorized by and remains the exclusive responsibility of the official representative of the party.

“499.11. Only the official representative of the party may contract a loan for the purposes of a leadership campaign, and section 447 applies to any such loan.

“499.12. Before filing the return referred to in section 499.15, the official agent must have paid all claims received within 60 days after the vote, except those the official agent contests.

The official representative of the party shall pay accounts and invoices within six months of their receipt, except those the official representative contests.

“499.13. For the purposes of this division, leadership campaign expenses are the expenses incurred during the leadership campaign by or on behalf of a leadership candidate and the expenses incurred during the leadership campaign by the official representative of the party or a person designated in writing by the official representative. Sections 381, 383, 386, 387, 450 to 456, 459 to 461, 463, 464 and 466 apply to those expenses, with the necessary modifications.

“499.14. Any person to whom an amount is due for an expense incurred under this division shall present a claim to the official agent of the candidate within 60 days after the vote. No expense may be paid by the official agent if the claim is presented after the expiry of the prescribed time.

If the office of official agent is vacant, the claim must be presented within the same time to the official representative of the party or to the candidate.

The claim must be filed with the official representative of the party within 120 days after the expiry of the time prescribed in the first paragraph, failing which the claim is prescribed.

“499.15. The official agent of each leadership candidate shall, whether the candidate remained in the race, withdrew, was excluded or died, file a return of leadership campaign expenses with the official representative of the party within 90 days after the vote, in the form prescribed by the Chief Electoral Officer.

The return must contain an itemized statement of the expenses incurred and of the sums of money received from the official representative of the party, and a declaration in the form prescribed by a directive issued by the Chief Electoral Officer. It must also state, if applicable, the date of the withdrawal, exclusion or death of the candidate.

The return must be filed with all relevant vouchers, which must be kept by the official representative for a period of five years, and be presented to the Chief Electoral Officer at the Chief Electoral Officer’s request.

“499.16. The official representative of the party shall, within 120 days after the vote, file a report, in the form prescribed by a directive issued by the Chief Electoral Officer, detailing all the sums of money the official representative collected during and for the purposes of the leadership campaign. The official representative shall attach all returns of expenses of the official agents to the report.

The report must also contain the following information: the amount of any loan, the amount of outstanding debt, the interest paid, the total amount of contributions and of any other funds used to reduce or eliminate the debt, if applicable, the name and address of every elector who made a contribution and the amount of each such contribution, and the total value of the contributions collected.

“499.17. The official agent of a leadership candidate shall send to the official representative of the party, along with the official agent’s return of expenses, any sum of money remaining after the payment of debts. The official representative shall deposit the sum of money into the account referred to in section 439.”

34. Section 501 of the Act is amended by replacing “two years” in the first paragraph by “five years”.

35. Section 606 of the Act is amended by replacing “two years” by “five years”.

36. Section 610 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *b* of paragraph 1:

“(b.1) the elector is not making the contribution voluntarily;

“(b.2) the elector is receiving compensation or consideration, or is being reimbursed;”;

(2) by inserting “or 499.7” after “431” in subparagraph *d* of paragraph 1;

(3) by replacing “in paragraph 1” in paragraph 2 by “in any of subparagraphs *a, b, b.2, c* and *d* of paragraph 1”;

(4) by adding the following paragraph after paragraph 2:

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

37. The Act is amended by inserting the following section after section 625:

“625.1. Every person who contravenes any of sections 499.1, 499.2, 499.5 to 499.7, 499.11 and 499.12 is guilty of an offence.”

38. Section 626 of the Act is amended by replacing “or 496” by “496, 499.15 or 499.16”.

39. Section 640 of the Act is amended by replacing “599” by “598”.

40. Section 640.1 of the Act is amended by replacing “600 to 606” by “600 to 602 and 604 to 606”.

41. Section 641 of the Act, amended by section 81 of chapter 11 of the statutes of 2009, is replaced by the following section:

“641. Every person who is guilty of an offence described in any of sections 607 to 609 and 615 to 625 is liable to a fine of \$500 to \$10,000.”

42. The Act is amended by inserting the following sections after section 641:

“641.1. Every person who is guilty of an offence described in any of sections 599, 603 and 610 to 614 is liable,

(1) for a first offence, to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$5,000 nor more than \$30,000;

(2) for any subsequent conviction within five years, to a fine of not less than \$2,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$60,000.

If a person is convicted of an offence under paragraph 2 of section 610, paragraph 2 of section 610.1 or any of paragraphs 2 to 3 of section 612, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to 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.

“641.2. For a period of five years from the date of the final judgment of conviction, no public contract may be entered into with

(1) a natural or legal person who has been convicted of an offence for contravening any of sections 429, 430, 431, 436, 499.7 and, to the extent that it refers to any of those sections, section 499.9; or

(2) a legal person or partnership one of whose directors, officers or partners has been convicted of such an offence.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following are party:

(1) a government department;

(2) a body all or part of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) a body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(4) a body a majority of whose members or directors are appointed by the Government or a minister and at least half of whose expenditures are borne directly or indirectly by the consolidated revenue fund;

(5) a school board, the Comité de gestion de la taxe scolaire de l'Île de Montréal, a general and vocational college or a university institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(6) a health and social services agency or a public institution governed by the Act respecting health services and social services (chapter S-4.2), a legal person or a joint procurement group referred to in section 383 of that Act, the James Bay Cree health and social services council established under the Act respecting health services and social services for Cree Native persons (chapter S-5), a health communication centre within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d'hébergement du Québec;

(7) a municipality, a metropolitan community, the Kativik Regional Government, a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01), an intermunicipal board, a public transit authority, an intermunicipal board of transport or any body referred to in section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

A person appointed or designated by the Government or a minister, together with the personnel directed by that person, is considered to be a body in the exercise of functions assigned to that person by law, the Government or a minister.”

ACT RESPECTING SCHOOL ELECTIONS

43. Section 206.18 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by striking out paragraph 2.

44. Section 206.20 of the Act is amended by adding the following sentence at the end: “Contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

45. Section 206.22 of the Act is amended by adding the following sentence at the end: “The receipt must state the elector’s domiciliary address.”

46. Section 206.27 of the Act is repealed.

47. Section 209.1 of the Act is amended by striking out paragraph 1.

48. Section 209.8 of the Act is amended by replacing “two years” in the first sentence by “five years”.

49. Section 219.8 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *b* of paragraph 1:

“(b.1) the elector is not making the contribution voluntarily;

“(b.2) the elector is receiving compensation or consideration, or is being reimbursed;”;

(2) by replacing “in paragraph 1” in paragraph 2 by “in any of subparagraphs *a*, *b*, *b.2*, *c* and *d* of paragraph 1”;

(3) by adding the following paragraph after paragraph 2:

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

50. Section 221.1 of the Act is amended

(1) by replacing “219.1 to 219.18” in the first paragraph by “219.1 to 219.3, 219.5 to 219.7 and 219.10 to 219.18”;

(2) by striking out the second paragraph.

51. The Act is amended by inserting the following sections after section 221.1:

“**221.1.1.** Every person who is guilty of an offence described in any of sections 219.4, 219.8 and 219.9 is liable,

(1) for a first offence, to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$5,000 nor more than \$30,000;

(2) for any subsequent conviction within five years, to a fine of not less than \$2,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$60,000.

If a person is convicted of an offence under paragraph 2 of section 219.8 or paragraph 2 or 3 of section 219.9, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to 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.

“221.1.2. For a period of five years from the date of the final judgment of conviction, no public contract may be entered into with

(1) a natural or legal person who has been convicted of an offence for contravening paragraph 2 of section 219.8 or paragraph 2 or 3 of section 219.9; or

(2) a legal person or partnership one of whose directors, officers or partners has been convicted of such an offence.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following are party:

(1) a government department;

(2) a body all or part of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) a body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(4) a body a majority of whose members or directors are appointed by the Government or a minister and at least half of whose expenditures are borne directly or indirectly by the consolidated revenue fund;

(5) a school board, the Comité de gestion de la taxe scolaire de l'Île de Montréal, a general and vocational college or a university institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(6) a health and social services agency or a public institution governed by the Act respecting health services and social services (chapter S-4.2), a legal person or a joint procurement group referred to in section 383 of that Act, the James Bay Cree health and social services council established under the Act respecting health services and social services for Cree Native persons (chapter S-5), a health communication centre within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d'hébergement du Québec;

(7) a municipality, a metropolitan community, the Kativik Regional Government, a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01), an intermunicipal board, a public transit authority, an intermunicipal board of transport or any body referred to in section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

A person appointed or designated by the Government or a minister, together with the personnel directed by that person, is considered to be a body in the exercise of functions assigned to that person by law, the Government or a minister.”

TAXATION ACT

52. Section 776 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing the first paragraph by the following paragraph:

“**776.** An individual who is an elector may deduct from the tax otherwise payable by the individual for a taxation year under this Part an amount equal to the aggregate of

(a) in relation to any contribution of money made by the individual in the taxation year to the official representative of a party or independent candidate authorized to receive such a contribution under the Act respecting elections and referendums in municipalities (chapter E-2.2), the aggregate of

i. 85% of the lesser of \$35 and the aggregate of all amounts each of which is such a contribution, and

ii. 75% of the amount by which \$35 is exceeded by the lesser of \$140 and the aggregate described in subparagraph i; and

(b) in relation to any contribution of money made by the individual in the taxation year to the official representative of a political party, party authority, independent Member or independent candidate authorized to receive such a contribution under the Election Act (chapter E-3.3), the aggregate of

i. 85% of the lesser of \$100 and the aggregate of all amounts each of which is such a contribution, and

ii. 75% of the amount by which \$100 is exceeded by the lesser of \$400 and the aggregate described in subparagraph i.”

FINAL PROVISIONS

53. On *(insert the date of assent to this Act)*, the Commission de la représentation must undertake a new determination of the number of electoral divisions and a delimitation of those divisions according to the rules and in the manner set out in Chapter I of Title II of the Election Act (R.S.Q., chapter E-3.3), as amended by this Act, as if they were in force.

However, despite section 22 of the Election Act, as amended by section 3, the first report submitted under that section must be submitted on or before *(insert the date that occurs one year after the date of assent to this Act)*.

54. Sections 17, 18 and 19 do not apply to an election in progress on *(insert the date of assent to this Act)*.

55. This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 1 to 8, which come into force on the date of coming into force of the first list of electoral divisions referred to in section 32 of the Election Act subsequent to (*insert the date of assent to this Act*); and

(2) section 52, which comes into force on the date to be set by the Government.

