



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 2

An Act to amend the Election Act in order to limit elector contributions to \$100 and to revise public financing of political parties

Introduction

**Introduced by
Mr. Bernard Drainville
Minister responsible for Democratic Institutions and Active
Citizenship**

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EXPLANATORY NOTES

This bill reduces from \$1,000 to \$100 the total contributions that an elector may make under the Election Act during the same calendar year to each authorized political party, independent Member, independent candidate and political party leadership candidate provided, in the latter case, that a leadership campaign is currently being held. Additional contributions may also be made when a general election or a by-election is held.

In addition, the amount of the annual allowance that may be paid to authorized parties is raised from \$0.82 to \$1.67 per elector entered on the list of electors used at the last general election. An additional allowance is to be paid when a general election is held.

Certain rules are revised respecting revenue that is not considered to be a contribution, notably the maximum amount that may be charged as dues for membership in a political party.

Lastly, the Taxation Act is amended in order to abolish the tax credit to which an individual is entitled for making contributions to authorized political parties, independent Members, independent candidates and political party leadership candidates referred to in the Election Act.

LEGISLATION AMENDED BY THIS BILL:

- Election Act (chapter E-3.3);
- Taxation Act (chapter I-3).

Bill 2

AN ACT TO AMEND THE ELECTION ACT IN ORDER TO LIMIT ELECTOR CONTRIBUTIONS TO \$100 AND TO REVISE PUBLIC FINANCING OF POLITICAL PARTIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Section 81 of the Election Act (chapter E-3.3) is replaced by the following section:

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

The allowance is paid monthly or at the frequency determined with each authorized party.”

2. Section 82 of the Act is amended by replacing “\$0.82” in the first paragraph by “\$1.67”.

3. The Act is amended by inserting the following section after section 82:

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

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

4. Section 83 of the Act is replaced by the following section:

“83. The allowance referred to in section 81 and the additional allowance referred to in section 82.1 are used to defray the parties’ expenses, notably those related to their current administration, the propagation of their political programs, the coordination of the political activities of their members and their electoral expenses.”

5. Section 84 of the Act is replaced by the following section:

“84. The allowance referred to in section 81 and the additional allowance referred to in section 82.1 are paid by cheque made to the order of the official representative of the party. The allowance and additional allowance may also be paid by means of a transfer of funds to an account held by the official representative.”

6. Section 86 of the Act is amended

- (1) by striking out the first paragraph;
- (2) by replacing “of every party contemplated in” in the second paragraph by “of a political party under”.

7. Section 88 of the Act is amended

- (1) by replacing “\$50” in subparagraph 5 of the second paragraph by “\$25”;
- (2) by replacing subparagraph 6 of the second paragraph by the following subparagraph:

“(6) an entrance fee to a political activity, where the fee is not over \$60 per day, up to one admission per person. The total amount collected must not exceed 3% of the total contributions collected by the entity in the period covered by a financial report. In the case of a political party, that percentage applies to the total sum of the amounts collected by the party and by each of its party authorities, to which are added the allowance paid to the party in accordance with section 82 and the additional allowance paid in accordance with section 82.1, where applicable;”;

- (3) by replacing “activity or rally” by “or fundraising activity” in subparagraph 6.1 of the second paragraph;

- (4) by adding the following paragraph at the end:

“A political activity is an activity held by an authorized entity that is not aimed at raising funds for the entity, such as an annual general meeting or a convention.”

8. Section 91 of the Act is amended

- (1) by replacing “\$1,000” in the first paragraph by “\$100”;
- (2) by inserting the following paragraphs after the first paragraph:

“In addition to the contributions referred to in the first paragraph, an elector entered on the list of electors for the electoral division for which an order was issued under section 128 may make contributions during the election period determined by the order for a total amount not exceeding \$100 for the benefit of each of the parties, independent members and independent candidates.

Where a contribution of money is made at a fundraising activity, the amount of the contribution is equal to the difference between the admission fee and the fair market value of the goods or services obtained free of charge during the fundraising activity.”

9. Section 93 of the Act is amended

(1) by striking out “a cash contribution of less than \$100 or” in the second paragraph;

(2) by replacing “second or third” by “fourth or fifth” in the second paragraph.

10. Section 95 of the Act is amended by replacing “of \$100 or more shall” by “must”.

11. Section 100 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) the amount of the contribution or part of the contribution to be returned is \$10 or less; or”.

12. Section 100.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“100.1. The official representative of an authorized entity who, during political activities held in the period covered by a financial report, collected amounts exceeding the maximum provided in subparagraph 6 of the second paragraph of section 88 must, within 30 days after the report is submitted, remit to the Chief Electoral Officer an amount equal to the part of the amounts that exceeds the percentage referred to in that section.”

13. Section 114 of the Act is amended by replacing paragraphs 3 and 3.1 by the following paragraphs:

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

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

14. Section 115 of the Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) the nature of a fundraising activity during which goods or services were provided free of charge in accordance with the third paragraph of section 91, the date, the place and the entrance fee for the activity and the total and detailed costs of the goods or services;”.

15. Section 118 of the Act is amended by replacing “section 90” by “sections 83 and 90”.

16. Section 127.7 of the Act is amended by replacing “\$1,000” at the end of the third paragraph by “\$100”.

17. Section 127.8 of the Act is amended

(1) by replacing “second and third” in the first paragraph by “third, fourth and fifth”;

(2) by striking out “or rallies” in the second paragraph.

18. Section 404 of the Act is amended

(1) by replacing “à caractère politique” in the French text of paragraph 8.1 by “politique”;

(2) by inserting the following paragraph after paragraph 8.1:

“(8.2) the cost of the goods or services referred to in the third paragraph of section 91;”.

TAXATION ACT

19. Section 776 of the Taxation Act (chapter I-3) is amended

(1) 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, 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 or to the financial representative of a party leadership candidate authorized to receive such a contribution under the Act respecting elections and referendums in municipalities (chapter E-2.2), an amount equal to the aggregate of:

(a) 85% of the lesser of \$50 and the aggregate of all amounts each of which is such a contribution, and

(b) 75% of the amount by which \$50 is exceeded by the lesser of \$200 and the aggregate described in subparagraph *a.*”;

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

“In this section, the expression “elector” has the meaning assigned to it by the Act respecting elections and referendums in municipalities.”

TRANSITIONAL AND FINAL PROVISIONS

20. The amendments to the Election Act (chapter E-3.3) and to the Taxation Act (chapter I-3) enacted by this Act do not apply to a political party leadership campaign taking place on (*insert the date of introduction of this bill*). The provisions applicable to such a campaign are those in these Acts as they read at that date.

21. This Act comes into force on 1 January 2013.

