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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 114

**An Act to increase the powers of  
oversight of the Chief Electoral Officer**

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**Introduction**

**Introduced by  
Mr. Jean-Marc Fournier  
Minister responsible for the Reform of Democratic  
Institutions and Access to Information**

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## **EXPLANATORY NOTES**

*This bill amends the Election Act and other legislative provisions to increase the powers of oversight of the Chief Electoral Officer.*

*Under the bill, a new framework governing the payment of contributions to authorized entities, whether political parties, party authorities, independent Members or independent candidates, is introduced into the Election Act. Any contribution intended for an authorized entity is to be paid to the Chief Electoral Officer who is to remit it to the entity concerned. The amount of contributions that must be made by means of a cheque or other negotiable instrument is reduced to \$100, and the name of every contributor and the amount of the contribution are to be made public.*

*Prescription for penal proceedings is set at five years from the date the offence was committed. The period for keeping the receipts and other vouchers used to prepare the financial reports of authorized entities, and the declarations, invoices, receipts and other vouchers on which returns of election expenses are based is also increased to five years. The same measures are introduced into the Act respecting elections and referendums in municipalities and the Act respecting school elections.*

*The Act respecting elections and referendums in municipalities is amended to provide that municipalities with a population of 5,000 or less are to send to the Chief Electoral Officer at the latter's request a list of persons who made an election contribution of more than \$100.*

*Lastly, the Act respecting the Ministère du Revenu is amended to allow the Chief Electoral Officer to have access to information contained in a tax record for verification, examination and inquiry purposes.*

**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);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).



# Bill 114

## AN ACT TO INCREASE THE POWERS OF OVERSIGHT OF THE CHIEF ELECTORAL OFFICER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### ELECTION ACT

**1.** Section 91 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by replacing “to each” in the first paragraph by “for the benefit of each”;

(2) by replacing “to one or another” in the first paragraph by “for the benefit of one or another”.

**2.** Section 93 of the Act is replaced by the following section:

**“93.** A contribution shall be paid to no one except the Chief Electoral Officer for the benefit of an authorized entity.

However, a cash contribution of less than \$100 or a contribution described in the second or third paragraph of section 91 may be paid or made to the official representative of the authorized entity or the persons designated in writing by the official representative in accordance with section 92.”

**3.** The Act is amended by inserting the following section after section 93:

**“93.1.** As soon as the Chief Electoral Officer receives a contribution, the Chief Electoral Officer shall inform the authorized entity for whose benefit the contribution has been paid.”

**4.** Section 95 of the Act is amended

(1) by replacing “\$200” by “\$100”;

(2) by striking out “or a transfer of funds to an account held by the official representative of the authorized entity for which it is intended” at the end.

**5.** Section 96 of the Act is amended by replacing the first paragraph by the following paragraphs:

**“96.** For every contribution paid in accordance with the first paragraph of section 93, the Chief Electoral Officer shall issue a receipt to the contributor.

For every contribution paid or made in accordance with the second paragraph of section 93, the official representative or the person designated in accordance with section 92 shall issue a receipt and send a copy to the Chief Electoral Officer in the manner prescribed by the latter.”

**6.** Section 97 of the Act is replaced by the following section:

**“97.** The cheque or order of payment must be made to the order of the Chief Electoral Officer and specify the authorized entity for whose benefit it is made.”

**7.** Section 99 of the Act is replaced by the following section:

**“99.** The contributions received by the Chief Electoral Officer for the benefit of an authorized entity are deposited with a bank, trust company or financial services cooperative having an office in Québec and chosen by the authorized entity.

The authorized entity shall deposit in the same bank, trust company or financial services cooperative the cash contributions described in the second paragraph of section 93.”

**8.** Section 114 of the Act is amended

(1) by replacing “\$200” in paragraph 4 by “\$100”;

(2) by replacing “\$200” in paragraph 5 by “\$100”.

**9.** Section 115 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the name and full domiciliary address of each elector having made a contribution and the amount of the contribution;”.

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

**11.** Section 126 of the Act is amended by striking out the third paragraph.

**12.** Section 436 of the Act is amended by replacing “two years” in the first paragraph by “five years”.

**13.** Section 569 of the Act is amended by replacing the second paragraph by the following paragraph:

“Such proceedings are prescribed five years after the date the offence was committed.”

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**14.** Section 501 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing “two years” in the first paragraph by “five years”.

**15.** Section 513.1 of the Act is amended by adding the following paragraph at the end:

“The treasurer shall send the lists received in accordance with this section to the Chief Electoral Officer, at the request of and in the manner prescribed by the Chief Electoral Officer.”

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

**17.** Section 648 of the Act is replaced by the following section:

“**648.** Penal proceedings for an offence referred to in section 647 are prescribed five years after the date the offence was committed.”

#### ACT RESPECTING SCHOOL ELECTIONS

**18.** Section 209.8 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing “two years” in the first sentence by “five years”.

**19.** Section 223.4 of the Act is replaced by the following section:

“**223.4.** Penal proceedings for an offence under this chapter are prescribed five years after the date the offence was committed.”

#### ACT RESPECTING THE MINISTÈRE DU REVENU

**20.** Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting the following subparagraph after subparagraph *w* of the second paragraph:

“(x) the Chief Electoral Officer, in respect of verifications, examinations and inquiries under the Election Act (chapter E-3.3), the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3).”

**21.** Section 69.6 of the Act is amended by replacing “*i* or *s*” by “*i*, *s* or *x*”.

**22.** Section 69.8 of the Act is amended by replacing “*i* and *s*” in the first paragraph by “*i, s* and *x*”.

#### FINAL PROVISION

**23.** This Act comes into force on (*insert the date of assent to this Act*), except sections 1 to 3, paragraph 2 of section 4 and sections 5 to 7, which come into force on the date or dates to be set by the Government. However, such a date may not be set before a recommendation to that effect is obtained from the Chief Electoral Officer, stating that all preparations needed for the implementation of those provisions have been made and that the provisions may therefore come into force.