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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 120

## **An Act respecting political party leadership campaigns**

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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 introduces new rules to govern the financing of leadership campaigns of authorized parties under the Election Act or the Act respecting elections and referendums in municipalities.*

*The rules, modeled after those relating to the financing of political parties, apply to the solicitation and payment of contributions, to loans and sureties, to expenses incurred by candidates and the party, to claims by creditors and to returns required to be filed. Penal provisions are also introduced.*

## **LEGISLATION AMENDED BY THIS BILL:**

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

# Bill 120

## AN ACT RESPECTING POLITICAL PARTY LEADERSHIP CAMPAIGNS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### ELECTION ACT

**1.** The heading of Title III of the Election Act (R.S.Q., chapter E-3.3) 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”.

**2.** Section 88 of the Act is amended

(1) by adding the following subparagraph after subparagraph *c* of subparagraph 8 of the second paragraph:

“(d) an authorized party and the financial representative of a candidate for the leadership of the party;”;

(2) by adding the following subparagraph after subparagraph 8 of the second paragraph:

“(9) the goods and services furnished free of charge to leadership candidates by the official representative of the party in accordance with section 127.10.”

**3.** Section 91 of the Act is amended by inserting “Except for a contribution described in section 127.7,” at the beginning of the first paragraph.

**4.** Section 115 of the Act is amended by adding the following paragraph after paragraph 5:

“(5.1) the total amount of remaining sums of money deposited by the official representative of the party in accordance with the second paragraph of section 127.20;”.

**5.** The Act is amended by inserting the following after section 127:

## “CHAPTER III

### “FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

#### “DIVISION I

##### “REQUIRED INFORMATION AND REGISTER

“**127.1.** When 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 name of the person designated to oversee the leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate as determined by the party.

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

In no case may the official representative of the party be the financial representative or a deputy financial representative of a leadership candidate.

For the purposes of this chapter, a leadership candidate and his or her financial representative are presumed to have been such a candidate and financial representative from the time the candidate stated his or her intention to enter the race, even before the beginning of the leadership campaign.

“**127.3.** The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.

The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer’s website.

## “DIVISION II

### “CONTRIBUTIONS, EXPENSES AND PAYMENT OF CLAIMS

“**127.4.** Contributions may only be solicited under the responsibility of a leadership candidate’s financial representative, who shall choose persons and authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate’s campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate’s financial representative.

“**127.5.** A leadership candidate’s financial representative 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 for the candidate’s leadership campaign and the loans contracted in accordance with section 127.11 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

“**127.6.** In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense of the party otherwise than out of an account referred to in section 99 that is held by the official representative of the party in the name of the party.

“**127.7.** Only an elector may make a contribution in support of one or more leadership candidates. Contributions must be paid to the candidate’s financial representative or to a person authorized by the financial representative in accordance with section 127.4.

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

“**127.8.** Section 88 except subparagraphs 5 and 6 of the second paragraph, sections 89 and 90, the second and third paragraphs of section 91, section 95, the last paragraph of section 96 and sections 98 and 100 apply, with the necessary modifications, to the contributions referred to in this chapter.

For every contribution, a leadership candidate’s financial representative or a person authorized by the financial representative in accordance with section 127.4 shall issue a receipt to the contributor. All cheques or orders of payment must be made to the order of the candidate.

“**127.9.** On the seventh day after the date on which the leadership campaign begins and every seven days after that, a leadership candidate’s

financial representative must file with the Chief Electoral Officer, in the manner prescribed by the Chief Electoral Officer, an itemized statement of the contributions received by the financial representative.

**“127.10.** The official representative of the party may furnish goods and services to the leadership candidates free of charge, provided that such goods and services are offered equitably as to quality and quantity to all the candidates.

**“127.11.** A leadership candidate’s financial representative may contract a loan, in accordance with section 105, to fund the candidate’s leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in the first paragraph of section 105.

The official representative of the party may contract a loan, in accordance with section 105, to fund the leadership campaign expenses of the party.

**“127.12.** For the purposes of this chapter, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

(1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or

(2) the official representative or any deputy or substitute official representative of the party, on behalf of the party.

Sections 401 to 404, 406 to 413, 415 to 417, 421, 423, 424, 430 and 431 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate’s financial representative is the candidate’s official agent, the official representative of the party is the official agent of the party and the person designated to oversee the leadership vote is the returning officer.

**“127.13.** Any person to whom an amount is due for an expense incurred under this chapter by a leadership candidate’s financial representative must present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“127.14.** Any person to whom an amount is due for an expense incurred under this chapter by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present a claim within the time prescribed in the first paragraph entails prescription of the claim.

**“127.15.** Subject to section 127.16, a leadership candidate’s financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 127.13, except any claim he or she contests, and all loans contracted.

**“127.16.** A leadership candidate’s financial representative who, because of a lack of funds in the account referred to in section 127.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional period of up to 12 months for the purpose of paying that balance.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 24-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Section 100 does not apply to such a contribution.

**“127.17.** Not later than the ninetieth day after the leadership vote, the official representative of the party must pay all claims received in accordance with the first paragraph of section 127.14, except any claim he or she contests, and all loans contracted.

### **“DIVISION III**

#### **“RETURNS**

**“127.18.** Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of leadership

campaign income and expenses with the official representative of the party, in the form prescribed by the Chief Electoral Officer.

The return must contain

(1) the name of the financial institution where the financial representative opened an account in accordance with section 127.5 and the account number;

(2) the balance in the account on the date of the return;

(3) an itemized statement of the expenses incurred;

(4) the number of contributors who made contributions of \$100 or less and the total amount of those contributions;

(5) the number of contributors who made contributions over \$100 and the total amount of those contributions;

(6) the name and domiciliary address of every elector who made a contribution and the amount of the contribution;

(7) a list of the claims received and, if paid, the date of payment;

(8) a list of the outstanding claims on the date of the return;

(9) a list of the contested claims;

(10) the name and domiciliary address of every elector who stood surety for a loan and the amount involved;

(11) a detailed list of all amounts borrowed in accordance with the first paragraph of section 127.11, the date of each loan, the name and address of the lender, the rate of interest charged, and the amount of the repayments in principal and interest payments;

(12) the name and domiciliary address of the persons authorized to solicit and collect contributions;

(13) a list of the financing activities and, for each activity, the nature, date, place, number of participants and total amount collected;

(14) if applicable, the date of the withdrawal, exclusion or death of the candidate;

(15) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 127.20; and

(16) a declaration in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations relating to any loan referred to in section 127.11, and the deeds of appointment of any deputy financial representatives appointed under section 406 and any amendment to those deeds, must be filed with the return. The vouchers 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.

**“127.19.** If a leadership candidate's financial representative has not, on the date of the return referred to in section 127.18, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under section 127.16, file a complementary return with the official representative of the party, in the form prescribed by the Chief Electoral Officer.

The complementary return must contain

- (1) the balance in the account on the date of the return;
- (2) the number of contributors who made contributions of \$100 or less and the total amount of those contributions;
- (3) the number of contributors who made contributions over \$100 and the total amount of those contributions;
- (4) the name and domiciliary address of every elector who made a contribution and the amount of the contribution;
- (5) a list of the claims paid since the previous return;
- (6) a list of the outstanding claims;
- (7) a list of the financing activities and, for each activity, the nature, date, place, number of participants and total amount collected;
- (8) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 127.20; and
- (9) a declaration in the form prescribed by the Chief Electoral Officer.

All relevant vouchers must be filed with the complementary return. The vouchers 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.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

**“127.20.** A leadership candidate’s financial representative must send to the official representative of the party, along with the return required under section 127.18 or the last complementary return required under section 127.19, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 99 that is held by the official representative of the party in the party’s name.

**“127.21.** Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer, in the form prescribed by the Chief Electoral Officer.

The return must contain

- (1) an itemized statement of the expenses incurred;
- (2) a list of the claims received and the date of payment;
- (3) the name and domiciliary address of every elector who stood surety for a loan and the amount involved;
- (4) a detailed list of all the amounts borrowed in accordance with the first paragraph of section 127.11, the date of each loan, the name and address of the lender, the rate of interest charged, and the amount of the repayments in principal and interest payments;
- (5) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 127.20 and the name of the leadership candidate concerned; and
- (6) a declaration in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates in accordance with section 127.18.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy financial representatives appointed under section 406 and any amendment to those deeds 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.

**“127.22.** If an error is found in a return or itemized statement filed under this chapter, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return or itemized statement.

After the date prescribed for filing the return or itemized statement, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

**“127.23.** If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate’s financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return or itemized statement required under this chapter, the Chief Electoral Officer may grant any extension required for the preparation and filing of the return or itemized statement.”

**6.** The Act is amended by inserting the following section after section 559.0.1:

**“559.0.2.** Every financial representative of a political party leadership candidate is liable to a fine of \$1,000 to \$10,000 who

(1) files a false return, itemized statement or declaration;

(2) produces a false or falsified invoice, receipt or other voucher; or

(3) pays a claim otherwise than as permitted by sections 126.15 and 127.16.”

**7.** Section 559.1 of the Act is amended by inserting “or a party leadership campaign expense” after “election expense” in paragraph 1.

**8.** Section 559.2 of the Act is amended

(1) by inserting “or a party leadership campaign” after “election” in paragraph 1;

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

“(2) an official agent or deputy official agent, an official representative or deputy official representative of a party, a financial representative or deputy financial representative of a party leadership candidate or a private intervenor or representative of a private intervenor who allows a writing, object, advertising material or advertisement relating to an election or a party leadership campaign to be printed, made, published, broadcast or circulated without the information required under section 421 or 421.1, as applicable.”

**9.** Section 560 of the Act is replaced by the following section:

**“560.** Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid

otherwise than as permitted by this Act is liable to a fine of \$1,000 to \$10,000.”

**10.** Section 561 of the Act is amended by adding “or the financial representative of a party leadership candidate, as applicable,” after “Chief Electoral Officer”.

**11.** Section 563 of the Act is amended by replacing “or return” by “, return or itemized statement”.

**12.** Section 564 of the Act, replaced by section (*insert the number of the section in Bill 113 that replaces section 564*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is amended

(1) by inserting “127.1, 127.2, 127.10, 127.11, 127.17,” after “106,” ;

(2) by replacing “and 457.11 to 457.17” by “, and 457.11 to 457.17, and section 127.12 to the extent that it refers to any of those sections,”.

**13.** Section 564.2 of the Act, enacted by section (*insert the number of the section in Bill 113 that enacts section 564.2*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is amended

(1) by replacing “and 100” in the first paragraph by “, 100 and 127.4 to 127.7, the second paragraph of section 127.8 and the first paragraph of section 127.8 to the extent that it refers to any of those sections”;

(2) by replacing “and 95” in the second paragraph by “, 95 and 127.7, and section 127.8 to the extent that it refers to any of those sections”.

**14.** Section 564.3 of the Act, enacted by section (*insert the number of the section in Bill 113 that enacts section 564.3*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is amended by replacing “and 95” in the first paragraph by “, 95 and 127.7, and section 127.8 to the extent that it refers to any of those sections”.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**15.** 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”.

**16.** 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 must, within 30 days, appoint an interim leader and notify the Chief Electoral Officer of the appointment.”

**17.** Section 428 of the Act is amended by adding the following paragraphs after paragraph 7:

“(8) transfers of funds between an authorized party and a leadership candidate’s financial representative;

“(9) goods and services furnished free of charge to leadership candidates by the official representative of the party in accordance with section 499.10.”

**18.** Section 431 of the Act is amended by inserting “Except for a contribution described in section 499.7,” at the beginning.

**19.** Section 481 of the Act is amended by adding the following subparagraph after subparagraph 6 of the first paragraph:

“(7) the total amount of remaining sums of money deposited by the official representative of the party in accordance with the second paragraph of section 499.20.”

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

**“DIVISION VI.1**

**“FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN**

**“§1. — *Required information and register***

“**499.1.** When 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 name of the person designated to oversee the leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate as determined by the party.

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

In no case may the official representative of the party be the financial representative or a deputy financial representative of a leadership candidate.

For the purposes of this division, a leadership candidate and his or her financial representative are presumed to have been such a candidate and financial representative from the time the candidate stated his or her intention to enter the race, even before the beginning of the leadership campaign.

**“499.3.** The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.

The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer’s website.

*“§2. — Contributions, expenses and payment of claims*

**“499.4.** Contributions may only be solicited under the responsibility of a leadership candidate’s financial representative, who shall choose persons and authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate’s campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate’s financial representative.

**“499.5.** A leadership candidate’s financial representative 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 division for the candidate’s leadership campaign and the loans contracted in accordance with section 499.11 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

**“499.6.** In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense of the party otherwise than out of an account referred to in section 439 that is held by the official representative of the party in the name of the party.

**“499.7.** Only an elector may make a contribution in support of one or more leadership candidates. Contributions must be paid to the candidate’s financial representative or to a person authorized by the financial representative in accordance with section 499.4.

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

**“499.8.** Section 427, section 428 except paragraphs 6 and 7, and sections 430, 434, 436, 438 and 440 apply, with the necessary modifications, to the contributions referred to in this division.

**“499.9.** On the seventh day after the date on which the leadership campaign begins and every seven days after that, a leadership candidate’s financial representative must file with the Chief Electoral Officer, in the manner prescribed by the Chief Electoral Officer, an itemized statement of the contributions received by the financial representative.

**“499.10.** The official representative of the party may furnish goods and services to the leadership candidates free of charge, provided that such goods and services are offered equitably as to quality and quantity to all the candidates.

**“499.11.** A leadership candidate’s financial representative may contract a loan, in accordance with section 447, to fund the candidate’s leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in the first paragraph of section 447.

The official representative of the party may contract a loan, in accordance with section 447, to fund the leadership campaign expenses of the party.

**“499.12.** For the purposes of this division, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

- (1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or
- (2) the official representative, or any deputy or substitute official representative of the party, on behalf of the party.

Sections 381, 383, 385 to 387, 450 to 456, 459 to 461, 463, 464 and 466 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate's financial representative is the candidate's official agent and the official representative of the party is the official agent of the party.

**“499.13.** Any person to whom an amount is due for an expense incurred under this division by a leadership candidate's financial representative must present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“499.14.** Any person to whom an amount is due for an expense incurred under this division by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

**“499.15.** Subject to section 499.16, a leadership candidate's financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 499.13, except any claim he or she contests, and all loans contracted.

**“499.16.** A leadership candidate's financial representative who, because of a lack of funds in the account referred to in section 499.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional period of up to 12 months for the purpose of paying that balance.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 24-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Section 440 does not apply to such a contribution.

**“499.17.** Not later than the ninetieth day after the leadership vote, the official representative of the party must pay all claims received in accordance with the first paragraph of section 499.14, except any claim he or she contests, and all loans contracted.

“§3. — *Returns*

**“499.18.** Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of the candidate’s leadership campaign income and expenses with the official representative of the party in the form prescribed by the Chief Electoral Officer.

The return must contain

- (1) the name of the financial institution where the financial representative opened an account in accordance with section 499.5 and the account number;
- (2) the balance in the account on the date of the return;
- (3) an itemized statement of the expenses incurred;
- (4) the number of contributors who made contributions of \$100 or less and the total amount of those contributions;
- (5) the number of contributors who made contributions over \$100 and the total amount of those contributions;
- (6) the name and domiciliary address of every elector who made a contribution and the amount of the contribution;
- (7) a list of the claims received and, if paid, the date of payment;
- (8) a list of the outstanding claims on the date of the return;
- (9) a list of the contested claims;
- (10) the name and domiciliary address of every elector who stood surety for a loan and the amount involved;
- (11) a detailed list of all amounts borrowed in accordance with the first paragraph of section 499.11, the date of each loan, the name and address of

the lender, the rate of interest charged, and the amount of the repayments in principal and interest payments;

(12) the name and domiciliary address of the persons authorized to solicit and collect contributions;

(13) a list of the financing activities and, for each activity, the nature, date, place, number of participants and total amount collected;

(14) if applicable, the date of the withdrawal, exclusion or death of the candidate;

(15) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 499.20; and

(16) a declaration in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations relating to any loan referred to in section 499.11, and the deeds of appointment of any deputy financial representatives appointed under section 385 and any amendment to those deeds, must be filed with the return. The vouchers 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.

**“499.19.** If a leadership candidate's financial representative has not, on the date of the return referred to in section 499.18, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under section 499.16, file a complementary return with the official representative of the party, in the form prescribed by the Chief Electoral Officer.

The complementary return must contain

(1) the balance in the account on the date of the return;

(2) the number of contributors who made contributions of \$100 or less and the total amount of those contributions;

(3) the number of contributors who made contributions over \$100 and the total amount of those contributions;

(4) the name and domiciliary address of every elector who made a contribution and the amount of the contribution;

(5) a list of the claims paid since the previous return;

(6) a list of the outstanding claims;

(7) a list of the financing activities and, for each activity, the nature, date, place, number of participants and total amount collected;

(8) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 499.20; and

(9) a declaration in the form prescribed by the Chief Electoral Officer.

All relevant vouchers must be filed with the complementary return. The vouchers 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.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

**“499.20.** A leadership candidate's financial representative must send to the official representative of the party, along with the return required under section 499.18 or the last complementary return required under section 499.19, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 439 that is held by the official representative of the party in the party's name.

**“499.21.** Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer, in the form prescribed by the Chief Electoral Officer.

The return must contain

(1) an itemized statement of the expenses incurred;

(2) a list of the claims received and the date of payment;

(3) the name and domiciliary address of every elector who stood surety for a loan and the amount involved;

(4) a detailed list of all the amounts borrowed in accordance with the first paragraph of section 499.11, the date of each loan, the name and address of the lender, the rate of interest charged, and the amount of the repayments in principal and interest payments;

(5) the amount of any remaining sum of money sent to the official representative of the party in accordance with section 499.20 and the name of the leadership candidate concerned; and

(6) a declaration in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates in accordance with section 499.18.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy financial representatives appointed under section 385 and any amendment to those deeds 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.

**“499.22.** If an error is found in a return or itemized statement filed under this division, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return or itemized statement.

After the date prescribed for filing the return or itemized statement, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

**“499.23.** If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate's financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return or itemized statement required under this division, the Chief Electoral Officer may grant any extension required for the preparation and filing of the return or itemized statement.”

**21.** The Act is amended by inserting the following section after section 595:

**“595.0.1.** Every financial representative or deputy financial representative of a party leadership candidate is guilty of an offence who

(1) files a return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or

(2) pays a claim otherwise than as permitted by sections 499.15 and 499.16.”

**22.** Section 595.1 of the Act is replaced by the following section:

**“595.1.** Every candidate, party leader or interim leader who allows an election expense or expense relating to a party leadership campaign to be incurred or paid for otherwise than as permitted by Divisions V and VI.1 of Chapter XIII of Title I is guilty of an offence.”

**23.** Section 599 of the Act is amended by inserting the following paragraphs after paragraph 2:

“(3) every party leadership candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the candidate’s leadership campaign without a written authorization from the candidate’s financial representative;

“(4) every person who solicits or collects contributions, incurs expenses or contracts a loan for a party leadership candidate without a written authorization from the candidate’s financial representative.”

**24.** Section 610 of the Act is amended

(1) by inserting “, or every financial representative or deputy financial representative of a party leadership candidate or person authorized to solicit and collect contributions,” after “collect contributions” in paragraph 1;

(2) by adding “or 499.7” at the end of subparagraph *d* of paragraph 1.

**25.** Section 624 of the Act is amended

(1) by inserting “or a party leadership campaign” after “election” in paragraph 1;

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

“(2) every official agent or deputy official agent, official representative or deputy official representative of a party, financial representative or deputy financial representative of a political party leadership candidate or private intervenor or representative of a private intervenor who allows a writing, object, advertising material or advertisement relating to an election or a party leadership campaign to be printed, made, published, broadcast or circulated without the information required under section 463 or 463.1, as applicable.”

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

“**625.1.** Every person is guilty of an offence who

(1) contravenes any of sections 499.1, 499.2, 499.10, 499.11 and 499.17 or any provision of any of sections 381, 385, 387, 455, 459 to 461, 463, 464 and 466 referred to in section 499.12; or

(2) contravenes any of sections 499.4 to 499.7 or any provision referred to in section 499.8.”

**27.** Section 626 of the Act is replaced by the following section:

“**626.** Every official representative, official agent or financial representative of a leadership candidate, including one who has ceased prematurely to exercise such functions, who fails to file a financial report, a return, an itemized statement

that such a report or return must contain or the documents that must be filed with such a report, return or statement within the time prescribed in section 420, 479, 484, 485, 487, 492, 496, 499.9, 499.18, 499.19 or 499.21 is guilty of an offence.”

**28.** Section 641 of the Act, replaced by section (*insert the number of the section in Bill 113 that replaces section 641*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is again 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 or paragraph 1 of section 625.1 is liable to a fine of \$500 to \$10,000.”

**29.** Section 641.1 of the Act, enacted by section (*insert the number of the section in Bill 113 that enacts section 641.1*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is amended by inserting “or paragraph 2 of section 625.1” after “610 to 614”.

**30.** Section 641.2 of the Act, enacted by section (*insert the number of the section in Bill 113 that enacts section 641.2*) of chapter (*insert the chapter number of Bill 113*) of the statutes of (*insert the year of assent to Bill 113*), is amended by replacing “and 436” in the first paragraph by “, 436 and 499.7, and 499.8 to the extent that it refers to any of those sections”.

## TAXATION ACT

**31.** Section 776 of the Taxation Act (R.S.Q., chapter I-3), amended by section (*insert the number of the section in Bill 118 that amends section 776*) of chapter (*insert the chapter number of Bill 118*) of the statutes of (*insert the year of assent to Bill 118*), is again amended

(1) by inserting “or to the financial representative of a party leadership candidate” after “independent candidate” in subparagraph *a* of the first paragraph;

(2) by replacing “or independent candidate” in subparagraph *b* of the first paragraph by “, independent candidate or party leadership candidate”.

## FINAL PROVISION

**32.** This Act comes into force on (*insert the date of assent to this Act*), except section 31, which comes into force on the date to be set by the Government.



