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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 53

**An Act to further amend the Act  
respecting elections and referendums in  
municipalities with respect to financing  
and to amend other legislative provisions**

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**Introduction**

**Introduced by  
Mr. Sylvain Gaudreault  
Minister of Municipal Affairs, Regions and Land Occupancy**

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## EXPLANATORY NOTES

*This bill amends the Act respecting elections and referendums in municipalities in order to implement rules in municipalities having a population of 20,000 or over to provide for payments of amounts to authorized parties and independent candidates on the basis of the amounts received as contributions by the parties and candidates. As well, the obligation to make an appropriation to provide for the payment of an allowance for the reimbursement of expenses made for the day-to-day operations of authorized parties is extended to these municipalities and the amount of the allowance is increased.*

*The total amount of contributions that may be made by the same elector for the same fiscal year is lowered from \$300 to \$100. An additional maximum contribution of \$100 is allowed during a year in which a general election or a by-election is held. In addition, the amounts that may be paid by a municipality for the reimbursement of election expenses are adjusted downward.*

*Other rules concerning election financing are revised, in particular, those relating to contributions in money and the time period in which an authorized independent candidate's election debts are to be reimbursed. Municipalities are required to post all reports and returns of election expenses on their website.*

*Municipalities having a population under 5,000 are made subject to rules regarding political financing and the control of election expenses which provide, among other things, that only an elector of the municipality is entitled to make contributions and that the total amount of an elector's contributions cannot exceed \$200. The rules also provide that independent candidates must obtain an authorization from the Chief Electoral Officer in order to collect funds and make election expenses and places a cap on admissible election expenses which is adjusted on the basis of the municipality's size.*

*Lastly, the provisions concerning the reimbursement of councillors' research and support expenses are amended and integrated into the Act respecting the remuneration of elected municipal officers. The total annual amounts councillors are entitled to in this respect are determined according to the population of the municipalities concerned.*

**LEGISLATION AMENDED BY THIS BILL:**

- Cities and Towns Act (chapter C-19);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Taxation Act (chapter I-3);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001).



## **Bill 53**

### **AN ACT TO FURTHER AMEND THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES WITH RESPECT TO FINANCING AND TO AMEND OTHER LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CITIES AND TOWNS ACT**

**1.** Sections 474.0.1 to 474.0.5 of the Cities and Towns Act (chapter C-19) are repealed.

#### **ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES**

**2.** Section 64 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting “or whose election report required under section 513.54 or 513.55” after “492” in the first paragraph.

**3.** Section 70.1 of the Act is amended by replacing “of section 364” in the second paragraph by “of sections 364 and 513.1”.

**4.** Section 88.1 of the Act is amended by replacing “of section 364” in the first paragraph by “of sections 364 and 513.1”.

**5.** Section 90.5 of the Act is amended by replacing “of section 364” in the first paragraph by “of sections 364 and 513.1”.

**6.** Section 90.6 of the Act is amended

(1) by replacing “of Chapter XIII” in paragraph 2 by “of Chapters XIII and XIV”;

(2) by replacing “on Chapter XIII” in paragraph 3 by “on Chapters XIII and XIV”.

**7.** Section 151 of the Act is amended by replacing “364” in the first paragraph by “513.1”.

**8.** Section 152 of the Act is amended by replacing “364” by “513.1”.

**9.** Section 154 of the Act is amended by adding “or in paragraph 2 of section 513.15” at the end of the second paragraph.

**10.** Section 164 of the Act is amended by replacing the first sentence by the following sentence: “An independent candidate’s nomination paper must be accompanied by a writing that is signed by the candidate and in which the candidate designates an official agent.”

**11.** Section 285 of the Act is amended by replacing “, within the meaning of section 364, of a municipality, subject to Divisions II to IX of Chapter XIII” in the second paragraph by “within the meaning of sections 364 and 513.1”.

**12.** Section 285.1 of the Act is amended by replacing “assigned by section 364” in the second paragraph by “assigned by sections 364 and 513.1”.

**13.** Section 288 of the Act is amended

(1) by replacing “in Chapter XIII” in the second paragraph by “in Chapters XIII and XIV”;

(2) by adding “or of the election report” at the end of the second paragraph.

**14.** The heading of Chapter XIII of Title I of the Act is amended by adding “IN MUNICIPALITIES HAVING A POPULATION OF 5,000 OR OVER” at the end.

**15.** Section 402 of the Act is amended by replacing the first paragraph by the following paragraph:

**“402.** The authorization granted to an independent candidate expires on 31 December of the second calendar year following the year of the election unless, before that date, the authorization is withdrawn or the candidate files a financial report establishing that all the debts arising from his election expenses have been paid in full and that there are no sums remaining in his election fund.”

**16.** The heading of Division IV of Chapter XIII of Title I of the Act is amended by inserting “FINANCING,” after “CONTRIBUTIONS,”.

**17.** Section 431 of the Act is replaced by the following section:

**“431.** Except for a contribution described in section 499.7, the total amount of contributions by the same elector for the same fiscal year cannot exceed \$100.

During a year in which a general election or a by-election is held, an elector may, in addition, make contributions which cannot exceed a total of \$100. In the case of a by-election, contributions beyond the \$100 maximum can only

be made after the notice of vacancy and up to the 30th day following polling day.

In addition to the contributions referred to in the first and second paragraphs, a candidate of an authorized party or an authorized independent candidate may, during a year in which a general election or a by-election is held, make contributions not exceeding a total of \$800 for their own benefit or for that of the party for which they are running. In the case of a by-election, such contributions can only be made after the notice of vacancy and up to the 30th day following polling day.”

**18.** Section 436 of the Act is amended by replacing “of \$100 or more” in the first paragraph by “exceeding \$50”.

**19.** The Act is amended by inserting the following after section 442:

“§1.1. — *Complementary public financing*

“**442.1.** A municipality having a population of 20,000 or over is required to pay \$2.50 to every authorized party or authorized independent candidate for each dollar received in contributions between 1 January of the year of a general election and the day after polling day or, in the case of a by-election, during the election period.

For the purposes of the first paragraph, the amount of the contributions received does not include the contributions made by the candidate of an authorized party or an authorized independent candidate for their own benefit or that of the party for which they are running.

“**442.2.** Subject to section 442.3, the maximum amount to which an authorized independent candidate running for the office of mayor or borough mayor is entitled, or to which a party is entitled for its candidate for the office of mayor or borough mayor is

(1) \$1,000 in the case of a borough having a population under 20,000 or a municipality or borough having a population of 20,000 or over but under 50,000;

(2) \$2,000 in the case of a municipality or borough having a population of 50,000 or over but under 100,000;

(3) \$3,000 in the case of a municipality or borough having a population of 100,000 or over but under 200,000;

(4) \$3,500 in the case of a municipality or borough having a population of 200,000 or over but under 300,000;

(5) \$4,000 in the case of a municipality or borough having a population of 300,000 or over but under 400,000;

(6) \$4,500 in the case of a municipality or borough having a population of 400,000 or over but under 500,000;

(7) \$5,000 in the case of a municipality or borough having a population of 500,000 or over but under 1,000,000; and

(8) \$10,000 in other cases.

The maximum amount that may be paid under section 442.1 by a municipality to an authorized independent candidate for the office of councillor or to a party for each of its candidates to the office of councillor is

(1) \$500 in the case of a borough having a population under 20,000 or a municipality or borough having a population of 20,000 or over but under 50,000;

(2) \$750 in the case of a municipality or a borough having a population of 50,000 or over but under 500,000; and

(3) \$1,000 in other cases.

**“442.3.** The amount to which a party is entitled cannot exceed the amount of election expenses reported in the return of election expenses and incurred and paid in accordance with Division V by the party for its candidate for the office of mayor or borough mayor and for its candidates for the office of councillor.

The amount to which an independent candidate is entitled cannot exceed the sum total of the amount of debts arising from election expenses reported in the return of election expenses and incurred and paid in accordance with Division V by the candidate and the amount of the candidate’s election contribution evidenced by the receipt referred to in the second paragraph of section 484.

**“442.4.** The treasurer shall pay at the same time as the reimbursement of election expenses the amounts set out in section 442.1. Sections 477 and 478 apply with the necessary modifications.”

**20.** The Act is amended by inserting the following after section 449:

**“§3.—***Allowance to authorized parties*

**“449.1.** The budget of a municipality having a population of 20,000 or over must include an appropriation to provide for the payment of an allowance to every authorized party for expenses incurred for its day-to-day operation, for the propagation of its political program and for the coordination of the political action of its members. This allowance cannot be used to pay election expenses or interest on a loan the principal of which has been paid into an election fund, or to repay the principal of such a loan.



The appropriation must be equal to the product obtained by multiplying the following amount by the number of electors on the list of electors prepared for the last general election:

(1) \$0.60 in the case of a municipality having a population of 20,000 or over but under 500,000;

(2) \$0.85 in the case of a municipality having a population of 500,000 or over.

The appropriation is divided among the authorized parties that obtained at least 1% of the votes cast during the last general election.

A quarter of the appropriation is divided in proportion to the percentage that results from dividing the number of votes obtained by each party's candidate for the office of mayor, by the total number of votes validly obtained at the last general election by all of the parties' candidates for the office of mayor.

Three quarters of the appropriation is divided in proportion to the percentage that results from dividing the number of votes obtained by each party's candidates for the office of councillor, by the total number of votes validly obtained at the last general election by all of the parties' candidates for the office of councillor.

The amounts set out in subparagraphs 1 and 2 of the second paragraph are adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount computed on the basis of the index includes a decimal, the decimal is rounded off to the higher digit if it is equal to or greater than 5 and, otherwise, to the lower digit. The Chief Electoral Officer publishes the results of the adjustment in the *Gazette officielle du Québec*.

**“449.2.** The allowance is paid by the treasurer to the official representative of the authorized party, at the rate of 1/12 of the allowance per month, on presentation of supporting documents the minimum content of which may be determined by the treasurer or the Chief Electoral Officer.”

**21.** Section 474 of the Act is amended by replacing “the calendar year” by “the second calendar year”.

**22.** Section 475 of the Act is amended

(1) by replacing “70%” by “60%”;

(2) by adding the following paragraph at the end:

“In calculating the reimbursement, the treasurer must subtract, from the amount of election expenses reported in the return, the amount to which the party is entitled under section 442.1 for its candidate for the office of mayor or borough mayor and for its candidate for each office of councillor.”

**23.** Section 476 of the Act is amended

(1) by replacing “70%” in the first paragraph by “60%”;

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

“In calculating the reimbursement, the treasurer must subtract, from the amount of election expenses reported in the return, the amount to which the independent candidate is entitled under section 442.1.”;

(3) by inserting “the sum total of the amount paid under section 442.1 and” after “However,” in the second paragraph.

**24.** Section 480 of the Act is amended by replacing “\$100” in paragraphs 2 and 5 by “\$50”.

**25.** Section 481 of the Act is amended by replacing “\$100” in subparagraph 3 of the first paragraph by “\$50”.

**26.** Section 498 of the Act is amended by inserting “or termination” after “withdrawal” in the first sentence of the third paragraph.

**27.** Section 499 of the Act is amended by adding “and, among other things, the address of the website on which the list is posted in accordance with section 499.1” at the end of the second paragraph.

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

**“499.1.** Once the summary has been published, the municipality posts on its website every return of election expenses transmitted to the treasurer.

If the municipality does not have a website, the reports and returns must be posted on the website of the regional county municipality whose territory includes the territory of the municipality.”

**29.** Section 499.7 of the Act is amended by replacing “\$300” and “\$700” in the third paragraph by “\$200” and “\$800”, respectively.

**30.** Section 509 of the Act is amended by replacing “the calendar year” in the first paragraph by “the second calendar year”.

**31.** Section 510 of the Act is amended by replacing “the calendar year” in the second paragraph by “the second calendar year”.

**32.** Chapter XIV of Title I of the Act is replaced by the following chapter:

**“CHAPTER XIV**

**“FINANCING AND CONTROL OF ELECTION EXPENSES OF  
INDEPENDENT CANDIDATES IN MUNICIPALITIES HAVING A  
POPULATION UNDER 5,000**

**“DIVISION I**

**“DEFINITIONS AND SCOPE**

**“513.1.** In this chapter,

**“election fund”** means the sums made available to an official agent to cover election expenses;

**“election period”** means the period beginning 44 days before polling day and ending on polling day at the time of closing of the polling stations;

**“financial institution”** means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

**“fiscal year”** means the calendar year;

**“treasurer”** means the treasurer, the secretary-treasurer or the head of the finance department of the municipality.

**“513.2.** Subject to the third paragraph of section 365, Divisions II to IX apply to municipalities having a population of less than 5,000.

**“DIVISION II**

**“PERSONS ENTRUSTED WITH A FUNCTION REGARDING THE  
FINANCING AND CONTROL OF ELECTION EXPENSES FOR  
INDEPENDENT CANDIDATES**

**“§1. — *Chief Electoral Officer***

**“513.3.** The Chief Electoral Officer shall see to the carrying out of this chapter.

The Chief Electoral Officer may conduct studies on the financing of independent candidates and their election expenses.

**“513.4.** The Chief Electoral Officer shall, in particular,

- (1) authorize independent candidates;
- (2) verify that independent candidates are complying with this chapter;
- (3) give directives on the carrying out of this chapter;
- (4) receive and examine the reports filed with the Chief Electoral Officer.

The Chief Electoral Officer shall have access to all books, accounts and documents relating to the financial business of independent candidates.

At the request of the Chief Electoral Officer, candidates must furnish any information required for the purposes of this chapter within 30 days.

**“513.5.** Under the authority of the Chief Electoral Officer, the returning officer and, during an election period, the assistant designated by the returning officer to receive nomination papers, may, during the period for filing such papers, grant an authorization to an independent candidate who files an application for authorization in accordance with section 513.15.

On granting an authorization, the returning officer or the assistant shall inform the Chief Electoral Officer, in the manner determined by the latter.

**“§2.—***Treasurer*

**“513.6.** For the purposes of the carrying out of this chapter, the treasurer is under the authority of the Chief Electoral Officer.

Section 88.1 applies to the treasurer, with the necessary modifications.

**“§3.—***Official agent and official representative*

**“513.7.** An independent candidate must have an official agent. A non-authorized independent candidate shall act as their own official agent.

An independent candidate who has been authorized must have an official representative.

The official representative and the official agent of an authorized independent candidate are one and the same person. A candidate may designate themselves as official agent and official representative.

**“513.8.** In no case may an official representative or an official agent be a person who

- (1) is not an elector of the municipality;

(2) is a candidate for the office of councillor of the municipality, except an authorized independent candidate who designates themselves as official agent and official representative;

(3) is an election officer of the municipality or an employee of such an election officer;

(4) is an officer or employee of the municipality or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;

(5) is the Chief Electoral Officer or a member of the Chief Electoral Officer's personnel; or

(6) has been found guilty of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification under subparagraph 6 of the first paragraph shall continue for five years from the day on which the judgment becomes final.

**“513.9.** An independent candidate shall designate an official representative and official agent in the application for authorization made when filing their nomination paper.

The application must include the designated person's consent and be countersigned by the person, unless the candidate designates themselves as official agent and official representative.

**“513.10.** A person referred to in this subdivision may resign by transmitting a signed writing to that effect to the candidate who appointed them.

The person sends a copy of the writing to the Chief Electoral Officer.

**“513.11.** If the office of official representative or official agent becomes vacant, the independent candidate shall act in that capacity unless the independent candidate designates another person.

**“§4. — *Transmission of information***

**“513.12.** Every authorized independent candidate shall, within 30 days, notify the treasurer and the Chief Electoral Officer in writing of the appointment of their official agent and official representative, whether as initial or interim holder of the office, and of any vacancy in that office.

The application for authorization filed with the nomination paper constitutes a notice to the treasurer and to the Chief Electoral Officer, respectively, of the appointment of the initial holder of the office of official agent and official representative.

The returning officer must notify the treasurer of the appointment, as soon as practicable.

**“513.13.** At the beginning of the election period, the treasurer shall post a list of the official agents and official representatives of all independent candidates in the office of the municipality. The treasurer shall keep the list up-to-date during that period.

### **“DIVISION III**

#### **“AUTHORIZATION OF INDEPENDENT CANDIDATES**

##### **“§1.—*Authorization required***

**“513.14.** Every independent candidate wishing to solicit or collect contributions and incur election expenses must hold an authorization from the Chief Electoral Officer granted in accordance with this division.

##### **“§2.—*Authorization of an independent candidate***

**“513.15.** The returning officer or the assistant designated by the returning officer shall grant an authorization to an independent candidate who makes an application containing the following information:

(1) the candidate’s name, domiciliary address and telephone number;

(2) the name, address and telephone number of the candidate’s official agent and official representative, unless the candidate designates themselves as official agent and official representative, in which case that fact must be indicated.

**“513.16.** The authorization granted to an independent candidate entitles the candidate’s official representative to solicit and collect contributions until polling day.

**“513.17.** The authorization granted to an independent candidate expires on the date their election report is filed.

##### **“§3.—*Withdrawal of authorization***

**“513.18.** The Chief Electoral Officer may, upon the written application of an independent candidate, withdraw the candidate’s authorization.

**“513.19.** The Chief Electoral Officer may withdraw the authorization of an independent candidate who fails to furnish the information required for the purpose of updating the register provided for in section 513.25 or to give the Chief Electoral Officer access to all the books, accounts and documents pertaining to the candidate’s financial business, who contravenes Division IV or V, or whose official representative or official agent contravenes Division VI.

**“513.20.** The Chief Electoral Officer shall withdraw the authorization of an independent candidate who dies.

**“513.21.** If the authorization of an independent candidate is withdrawn, the candidate must, within 60 days after the withdrawal, file an election report with the Chief Electoral Officer for the period elapsed since the date of authorization.

The candidate must also, if requested by the Chief Electoral Officer, hand over any books, accounts and documents pertaining to the candidate’s financial business.

*“§4. — Miscellaneous provisions*

**“513.22.** The Chief Electoral Officer may take such measures as the Chief Electoral Officer considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

**“513.23.** When the Chief Electoral Officer intends to refuse or withdraw an authorization, the Chief Electoral Officer shall give the independent candidate the reasons for the decision and an opportunity to be heard.

All communications must be made by registered or certified mail or by any other means considered valid by the Chief Electoral Officer.

The first and second paragraphs do not apply in cases where the Chief Electoral Officer is bound to withdraw the authorization or where the withdrawal of authorization is made at the request of the independent candidate.

**“513.24.** As soon as practicable after granting or withdrawing an authorization, the Chief Electoral Officer shall give notice of it on the Chief Electoral Officer’s website. The notice shall include the name of the official agent and official representative.

The Chief Electoral Officer shall also give notice, on the website, of any replacement of an official agent or representative.

**“513.25.** The Chief Electoral Officer shall keep, in respect of each municipality, a register of all authorized independent candidates, setting out the following information:

(1) the name, domiciliary address and telephone number of the independent candidate;

(2) the name, address and telephone number of the candidate’s official agent and official representative, unless the candidate has designated themselves as official representative and agent, in which case that fact is recorded in the register.

**“513.26.** In addition to the information required under section 513.12, an authorized independent candidate shall, without delay, furnish in writing to the Chief Electoral Officer all other information required for updating the register.

**“513.27.** The Chief Electoral Officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

#### **“DIVISION IV**

#### **“CONTRIBUTIONS**

**“513.28.** The following are contributions:

- (1) any gift of money to a candidate;
- (2) any service or goods furnished to a candidate free of charge for the purposes of the candidate’s election;
- (3) any money, goods or services furnished by a candidate personally for the purposes of the candidate’s election.

Where goods or services are furnished to a candidate for the purposes of the candidate’s election, at a price lower than their value, the difference constitutes a contribution.

For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which the trader offers the goods or services to the public at the time they are furnished to the candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the candidate.

**“513.29.** Work performed by individuals, voluntarily and not for consideration, and the fruit of that work, are not contributions.

**“513.30.** Only an elector of the municipality may make a contribution.

An elector may make a contribution only in favour of an independent candidate holding an authorization that is valid for the municipality.

**“513.31.** The contribution must be made by an elector personally and out of the elector’s own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.



**“513.32.** The total amount of contributions made by an elector for the same fiscal year cannot exceed \$200.

In addition to such contributions, an authorized independent candidate may, during the fiscal year of an election, make contributions not exceeding a total of \$800 for their own benefit.

**“513.33.** No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

A person authorized to solicit contributions shall, on request, produce a certificate of their capacity signed by the official representative.

**“513.34.** A contribution shall be made to no one except the official representative of the authorized independent candidate for whom it is intended, or a person designated in writing by the official representative.

**“513.35.** The person who receives a contribution shall issue a receipt to the contributor.

The person receiving the contribution, if not the official representative, shall remit the contribution to the official representative along with a duplicate of the receipt in the form prescribed by the Chief Electoral Officer.

The receipt must include the contributor’s given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the contributor that the contribution is being made out of their own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

**“513.36.** Every contribution of money of more than \$50 must be made by means of a cheque signed by the elector and drawn on the elector’s account in a financial institution having an office in Québec and be made payable to the order of the authorized independent candidate.

**“513.37.** On being cashed, a contribution of money is deemed paid by the person who made it and received by the candidate for whom it is intended.

**“513.38.** Any contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor.

Despite the first paragraph, if the contributor cannot be found or has been found guilty of contravening any of sections 513.30 to 513.32 or 513.36, the contribution or the amount at which it is evaluated shall be remitted to the treasurer to be paid into the general fund of the municipality.

However, a contribution or part of a contribution made contrary to this chapter need not be remitted to the contributor if five years have elapsed since the contribution was made.

## **“DIVISION V**

### **“ELECTION EXPENSES**

#### **“§1.—*Definitions***

**“513.39.** The cost of any goods or services used during an election period to

- (1) promote or oppose, directly or indirectly, the election of a candidate;
- (2) propagate or oppose the program or policies of a candidate;
- (3) approve or disapprove courses of action advocated or opposed by a candidate; or
- (4) approve or disapprove any act done or proposed by a candidate or the candidate’s supporters,

is an election expense.

**“513.40.** Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be determined according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

**“513.41.** The following are not election expenses:

- (1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in anticipation of the election and that the circulation and frequency of publication are as what obtains outside the election period;
- (2) the cost of broadcasting of a public affairs, news or public opinion program by a radio or television station, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;
- (3) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to promote or oppose a candidate;

(4) the transportation costs of any person other than a candidate, paid out of their own money, if the costs are not reimbursed to them;

(5) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;

(6) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate.

*“§2.—Authorization of election expenses*

**“513.42.** During an election period, no person other than the official agent of an authorized independent candidate may incur or authorize election expenses.

**“513.43.** In no case may an official agent pay the cost of an election expense otherwise than out of an election fund.

No sums of money other than those collected in accordance with this chapter by the official representative of an authorized independent candidate may be paid into the election fund.

**“513.44.** No goods or services all or part of the cost of which constitutes an election expense under section 513.40 may be used during an election period except by the official agent of an authorized independent candidate or with the official agent’s authorization.

**“513.45.** No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized independent candidate.

**“513.46.** No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period nor may they waive payment.

Nothing in the first paragraph prevents a person from performing work described in section 513.29.

**“513.47.** Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name and title of the official agent who caused it to be printed or manufactured.

Any advertisement relating to an election published in a newspaper or other publication must mention the name and title of the official agent who caused it to be published.

In the case of an advertisement relating to an election broadcast on the radio or television or produced using any other medium or information technology, the name and title of the official agent must be mentioned at the beginning or at the end of the advertisement.

Any advertising copy, object or material, advertisement or publicity that relates to an election and is used jointly by authorized independent candidates must include the information required under the first three paragraphs and the name of each independent candidate on whose behalf the official agent is acting, with the words “independent candidate” next to it. If the authorized independent candidates are running as a recognized team, the mention of the name of a single official agent of one of the team’s candidates and the name of the team is sufficient.

Goods or services all or part of the cost of which constitutes an election expense are deemed to be related to the election.

**“513.48.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the independent candidates, provided they offer such service equitably as to quality and quantity to all the candidates for the same office.

The Chief Electoral Officer verifies the legality of services rendered under this section.

**“513.49.** The amount of election expenses incurred by an authorized independent candidate during an election must not exceed,

(1) for an election to the office of mayor,

(a) \$3,000 in the case of a municipality having a population under 2,000;  
and

(b) \$4,500 in the case of a municipality having a population of 2,000 or over but under 5,000;

(2) for an election to the office of councillor,

(a) \$2,000 in the case of a municipality having a population under 2,000;  
and

(b) \$3,000 in the case of a municipality having a population of 2,000 or over but under 5,000.

The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*.

*“§3.—Payment of election expenses*

**“513.50.** Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the total amount of the expense.

Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.

**“513.51.** Any person to whom an amount is due for election expenses must present their claim to the official agent within 60 days after polling day.

**“513.52.** Before filing the election report, the official agent is required to pay all the claims received, except those the official agent contests.

**“513.53.** Only the official representative may pay a contested claim or the contested part of a claim in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

**“DIVISION VI**

**“ELECTION REPORT OF INDEPENDENT CANDIDATE**

**“513.54.** The official agent of an unauthorized independent candidate must, within 90 days after polling day, file with the treasurer an election report in the form prescribed by a directive of the Chief Electoral Officer in which the official agent declares having received no contributions and made no election expenses.

**“513.55.** The official agent of an authorized independent candidate must, within 90 days after polling day, file with the treasurer an election report in the form prescribed by a directive of the Chief Electoral Officer.

**“513.56.** The election report must indicate

(1) the total amount of contributions of less than \$50 and the number of contributors;

(2) the total amount of contributions of \$50 or more and the number of contributors;

(3) the total value of the goods and services furnished to the authorized independent candidate free of charge for the purposes of the candidate's election, taking account of the second and third paragraphs of section 513.28;

(4) the name and full address of each elector who made one or more contributions to the authorized independent candidate totalling \$50 or more, and the total amount contributed by each such elector;

(5) a list of all election expenses and the cost of each.

The report must be filed together with a copy of each of the receipts issued for the contributions received and include a statement by the official agent attesting the accuracy of the report.

The official agent shall keep the invoices, receipts and other vouchers relating to election expenses for five years and shall remit them, upon request, to the treasurer.

**“513.57.** An official agent who ceases to hold office before the filing of the election report shall, within the ensuing 10 days, transmit to the independent candidate a report covering the period during which the agent was in office, accompanied with the contribution receipts and the invoices, receipts and other vouchers relating to election expenses.

The first paragraph does not dispense the official agent, even after resigning, from filing the election report within the prescribed time, unless a person has been appointed as a replacement.

**“513.58.** As soon as practicable after the filing of the election report, the official agent shall remit to the treasurer the sums remaining in the election fund and any goods in the agent’s possession all or part of the cost of which constitutes an election expense. The treasurer shall pay the sums into the municipality’s general fund, and the goods belong to the municipality.

**“513.59.** Within 30 days after the expiry of the time prescribed for filing an election report, the treasurer shall publish a summary of every report received within the prescribed time in a newspaper having general circulation in the municipality.

The summary must be accompanied with a notice of the date of receipt of each report and accompanying documents, stating the fact that the public may have access to them and, among other things, the address of the website on which they are posted in accordance with section 513.60.

**“513.60.** Once the summary has been published, the municipality shall post every election report transmitted to the treasurer on its website.

If the municipality does not have a website, the reports shall be posted on the website of the regional county municipality whose territory includes the territory of the municipality.

## **“DIVISION VII**

### **“KEEPING AND TRANSMISSION OF DOCUMENTS BY THE TREASURER**

**“513.61.** The treasurer shall, on request, send the Chief Electoral Officer a copy of the reports and documents not already in the Chief Electoral Officer’s possession, except receipts issued for contributions of less than \$50.

**“513.62.** The treasurer shall keep the reports, invoices, receipts and other vouchers necessary to ascertain compliance with sections 513.31 and 513.36 for five years after they are received.

After the expiry of five years following the receipt of invoices, receipts and other vouchers, the treasurer may, on request, return them to the independent candidate.

Failing such a request, the treasurer may destroy them.

## **“DIVISION VIII**

### **“SANCTIONS**

**“513.63.** An independent candidate who is elected and whose election report is not filed within the prescribed time loses the right to attend as a member the sittings of the council of the municipality from the 10th day after the expiry of the prescribed time until the report is filed, subject to section 513.65.

**“513.64.** The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the municipality;

(2) the council and any committee or commission of the regional county municipality, of the metropolitan community or of an intermunicipal board of management; and

(3) any other board, committee, commission or public body of which the person is a member by reason of the fact that they are a member of the council of the municipality, of the regional county municipality, of the metropolitan community or of an intermunicipal board of management.

**“513.65.** A judge may, by order, on a motion made before the person loses the right to attend sittings, allow that person to continue to do so for an additional period of not more than 30 days.

**“513.66.** On proof that the failure to file the report within the prescribed time is due to the absence, death, illness or misconduct of the official agent and official representative or to any other reasonable cause, the judge may

make any order the judge considers justified to enable the applicant to obtain all the information and documents required to prepare the report and grant such extension of time as the circumstances may require.

Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

**“513.67.** Where an error is found in a report that has been filed, the official agent may correct it at any time before the deadline for filing the report.

After that deadline, the independent candidate must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

**“513.68.** The judge having jurisdiction to rule on a motion under section 513.65 or 513.66 is a judge of the Court of Québec of the judicial district where all or part of the territory of the municipality is situated.

No motion made under section 513.65 or 513.66 may be heard unless a notice of at least three clear days is given by the applicant to the treasurer and to every candidate for the office concerned at the last election.

**“513.69.** If, at the expiry of the prescribed time for filing the report, the treasurer has not received the report, the treasurer shall, as soon as practicable, notify in writing the person liable to lose the right to attend sittings of the default and its effects.

**“513.70.** As soon as practicable after a person has lost the right to attend the sittings of the council of the municipality, the treasurer shall notify the council, the regional county municipality, the metropolitan community, the intermunicipal board of management and any other body whose sittings that person is no longer entitled to attend.

The treasurer shall also notify them as soon as practicable if the person recovers the right to attend sittings.

**“513.71.** A person who loses the right to attend sittings consequently loses the right to receive the remuneration or allowance provided for each sitting they are not authorized to attend.

If the remuneration or allowance is not determined for each sitting, 1% shall be deducted from the annual amount for each sitting the person is not authorized to attend.



## **“DIVISION IX**

### **“REPORT OF THE TREASURER**

**“513.72.** The treasurer shall table, if applicable, not later than 1 April of each year, before the council of the municipality a report of operations under this chapter for the preceding fiscal year.

The treasurer shall also transmit the report to the Chief Electoral Officer.”

**33.** Section 582 of the Act is amended by replacing “by Chapter XIII” in the first and second paragraphs by “by Chapters XIII and XIV”.

**34.** Section 591 of the Act is amended by replacing “of Chapter XIII” in the second paragraph by “of Chapters XIII and XIV”.

**35.** Section 595.1 of the Act is amended by replacing “of Chapter XIII” by “of Chapters XIII and XIV”.

**36.** Section 596 of the Act is amended by replacing “in section 473” in paragraph 2 by “in section 473 or 513.53”.

**37.** Section 609 of the Act is amended by replacing “section 408” in paragraph 1 by “section 408 or 513.21”.

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

(1) by replacing “in section 431 or 499.7” in subparagraph *d* of paragraph 1 by “in section 431, 499.7 or 513.32”;

(2) by replacing “of section 427” in subparagraph *e* of paragraph 1 by “of section 427 or 513.28”.

**39.** Section 610.1 of the Act is repealed.

**40.** Section 612 of the Act is amended by replacing “\$100 or more” in paragraph 2 by “more than \$50”.

**41.** Section 612.1 of the Act is amended by replacing “with section 436” by “with section 436 or 513.36”.

**42.** Section 613 of the Act is amended by inserting “to whom Chapter XIII of Title I applies” after “an independent candidate” in paragraph 1.

**43.** Section 614 of the Act is amended

(1) by replacing “of Chapter XIII” by “of Chapter XIII or XIV”;

(2) by replacing “and 436” by “, 436, 513.30 to 513.32 and 513.36”.

**44.** Section 619 of the Act is amended

- (1) by replacing “Chapter XIII” in paragraph 1 by “Chapter XIII or XIV”;
- (2) by replacing “in section 452, sums of money other than those collected in accordance with Chapter XIII” in paragraph 2 by “in section 452 or 513.40, sums of money other than those collected in accordance with Chapter XIII or XIV”.

**45.** Section 621 of the Act is amended by inserting “to whom Chapter XIII of Title I applies” after “official agent” in paragraph 1.

**46.** Section 622 of the Act is amended by inserting “or 513.40” after “section 452” in subparagraph 2 of the first paragraph.

**47.** Section 623 of the Act is amended by adding “or in section 513.29” at the end of subparagraph 3 of the first paragraph.

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

- (1) by replacing “or 463.1” in paragraph 1 by “, 463.1 or 513.47”;
- (2) by replacing “ or 463.1” in paragraph 2 by “, 463.1 or 513.47”.

**49.** Section 625 of the Act is amended by replacing “in section 466” by “in section 466 or 513.50”.

**50.** Section 626 of the Act is amended by replacing “or 499.19” by “, 499.19, 513.54, 513.55 or 513.57”.

**51.** Section 628.1 of the Act is repealed.

**52.** Section 641.2 of the Act is amended by striking out “or paragraph 2 of section 610.1” in the first paragraph.

**53.** Section 645 of the Act is amended by striking out “, paragraph 2 of section 610.1” in the first paragraph.

**54.** Section 647 of the Act is amended by replacing “of Chapter XIII” in the first paragraph by “of Chapter XIII or XIV”.

**55.** Section 659 of the Act is amended

- (1) by replacing “of Chapter XIII” in the first paragraph by “of Chapter XIII or XIV”;
- (2) by inserting “or election report” after “financial report” in the second paragraph.

## TAXATION ACT

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

(1) by inserting “authorized” before “independent” in the first paragraph;

(2) by inserting “excluding any contribution paid by a candidate of an authorized party, an authorized independent candidate or a candidate to the leadership of an authorized party for their own benefit or that of the party for which they are running,” after “(chapter E-2.2)” in the first paragraph.

## ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**57.** Section 24.1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended by replacing “or 22” by “, 22, 31.5.2, 31.5.3 or 31.5.6”.

**58.** The Act is amended by inserting the following after section 31.5:

### “CHAPTER IV.1

### “REIMBURSEMENT OF RESEARCH AND SUPPORT EXPENSES OF COUNCILLORS

#### “DIVISION I

#### “MUNICIPALITIES WITH A POPULATION OF 20,000 OR OVER

**“31.5.1.** Councillors and borough councillors of a municipality having a population of 20,000 or over are entitled to the reimbursement of their research and support expenses in accordance with the rules prescribed in this chapter.

The research and support expenses that qualify for a reimbursement are determined by a regulation of the Minister of Municipal Affairs, Regions and Land Occupancy.

**“31.5.2.** For the 2014 fiscal year, the maximum amount of the reimbursement to which a councillor is entitled is

(1) \$4,000 for a councillor of a municipality having a population of 20,000 or over but under 50,000;

(2) \$6,000 for a councillor of a municipality having a population of 50,000 or over but under 100,000;

(3) \$8,000 for a councillor of a municipality having a population of 100,000 or over but under 200,000;

(4) \$11,000 for a councillor of a municipality having a population of 200,000 or over but under 300,000;

(5) \$13,000 for a councillor of a municipality having a population of 300,000 or over but under 400,000;

(6) \$15,000 for a councillor of a municipality having a population of 400,000 or over but under 500,000;

(7) \$17,000 for a councillor of a municipality having a population of 500,000 or over.

However,

(1) the maximum amount of the reimbursement to which a councillor is entitled is equal to 65% of the amount set out in the first paragraph if the councillor is a member of an authorized party;

(2) the maximum amount of the reimbursement to which a borough councillor is entitled is equal to 50% of the amount set out in the first paragraph if the councillor is not a member of an authorized party and to 32.5% of that amount if the councillor is a member of such a party.

For the purposes of this section, “authorized party” means a party that holds an authorization granted under the Act respecting elections and referendums in municipalities (chapter E-2.2) that is valid for the municipality.

**“31.5.3.** The members of the urban agglomeration council of Ville de Montréal, other than the mayor of Ville de Montréal, are entitled to the reimbursement of their research and support expenses in accordance with the regulation made under the second paragraph of section 31.5.1.

For the 2014 fiscal year, the maximum amount of the reimbursement to which a member of the urban agglomeration council of Ville de Montréal is entitled is \$12,000.

However, if such a member is also entitled to a reimbursement under section 31.5.2, the maximum amount of the reimbursement set out in the second paragraph is reduced by the maximum amount of the reimbursement to which the member is entitled as a councillor of a related municipality. If the result of this subtraction is positive, the result represents the maximum amount to which the member is entitled under the first paragraph; if the result is negative, the member is not entitled to any reimbursement.

**“31.5.4.** As of the 2015 fiscal year, the maximum amounts of reimbursement set out in sections 31.5.2 and 31.5.3 are indexed in accordance with Division VI of Chapter II, with the necessary modifications.

**“31.5.5.** To receive a reimbursement, a councillor or member of the urban agglomeration council must file, in support of their application, vouchers the minimum content of which is determined by the council.

The Minister may, by regulation, prescribe any rules relating to the content of the vouchers.

No later than 31 March of each year, a list of the reimbursements authorized by the municipality during the previous fiscal year must be tabled before the council or before the urban agglomeration council of Ville de Montréal, as applicable. For each reimbursement, the list must contain the information required by the regulation referred to in the second paragraph that was provided in support of the application.

## **“DIVISION II**

### **“MUNICIPALITIES WITH A POPULATION UNDER 20,000**

**“31.5.6.** Any municipality having a population under 20,000 may elect to be subject to the plan for the reimbursement of research and support expenses provided for in Division I, which in that case applies with the necessary modifications.

The entitlement to the reimbursement of research and support expenses has effect from the fiscal year following the fiscal year in which the municipality adopts a resolution making itself subject to the reimbursement plan and applies to expenses incurred from that moment on, provided that the resolution was adopted no later than the preceding 31 October; otherwise, the entitlement to reimbursement has effect from the second fiscal year following the fiscal year in which the resolution was adopted.

**“31.5.7.** For the 2014 fiscal year, the maximum amount of the reimbursement to which a councillor is entitled under a resolution adopted under section 31.5.6 is

- (1) \$500 for a councillor of a municipality having a population under 5,000;
- (2) \$1,000 for a councillor of a municipality having a population of 5,000 or over but under 10,000;
- (3) \$1,500 for a councillor of a municipality having a population of 10,000 or over but under 20,000.

**“31.5.8.** A municipality that elected to become subject to the plan for the reimbursement of research and support expenses may exempt itself from the application of the plan.

The entitlement to the reimbursement of research and support expenses ceases on 31 December of the fiscal year during which the municipality adopts a resolution by which it exempts itself from the application of the plan.”

#### FINAL PROVISION

**59.** This Act comes into force on 1 January 2014.



