



Guide for the official representative and official agent of an independent candidate authorized to run for the position of warden of an RCM

Regional county municipalities (RCM) subject to the financing rules

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The interpretations expressed in this guide do not take precedence over the provisions of the *Act* and are not intended to replace the official text of the *Act*. When interpreting or applying the *Act respecting elections and referendums in municipalities*, you must refer to the text published by the Éditeur officiel du Québec, which can be found at **publicationsduquebec.gouv.qc.ca**.

Quick reference

Opening a bank account for the campaign (election fund)

- ☐ An omission on this matter will deprive you of the reimbursement of election expenses (see Directive **D-M-4**).

N.B.: Opening a bank account is not mandatory if the funds come exclusively from the candidate's personal contribution, up to a maximum of \$1000.

Soliciting and collecting funds and/or contracting a loan (constituting the election fund)

- ☐ Only an elector of the RCM may contribute. Maximum of \$100 per calendar year.
- ☐ During the year of a general election or during a by-election, an elector may make an additional contribution of \$100 to each of the parties and authorized independent candidates.
- ☐ Apart from their contribution as electors, authorized independent candidates, for their own benefit, **from the time their nomination paper is accepted**, may make an additional contribution for a total not exceeding the sum of **\$800**.
- ☐ A contribution receipt **must be remitted** to every elector who makes a contribution.
- ☐ It is possible to designate canvassers (see Directive **D-M-6**).

Making and authorizing election expenses

- ☐ Only an official agent may make and authorize election expenses (from the 51st day before polling day to closing of the polling stations).

Paying the election expenses from your election fund (bank account)

- ☐ The expenses must be paid in full before the filing of your report and return.
- ☐ You must retain all the vouchers you have not remitted to the secretary-treasurer for a period of seven years.

Complying with the limit on election expenses

- ☐ This limit will be sent to you by the secretary-treasurer of the RCM.

Identifying advertising (mandatory)

- ☐ For newspaper, radio, television or Web advertising, the mention is “Name of the official agent” and that person’s title, “Official Agent”.
- ☐ For a pamphlet, a poster, a corrugated polypropylene sign (Coroplast) or any printed matter, the mention is “Name of the printer (or the manufacturer when produced by volunteers)” and “Name of the official agent” and that person’s title, “Official Agent”.

Producing the various reports

- ☐ Financial report of an authorized elector (when authorized before the election year):
 - On April 1 of the election year
 - Accompanied by the contribution receipts.
- ☐ Report and return of an authorized independent candidate:
 - No later than 90 days after polling day
 - Accompanied by the original invoices, proofs of payment, copies of advertisements, bank statements, deposit slips, etc.
- ☐ Additional financial reports (when a surplus or a debt is recognized during filing of the reports of an AIC)

To obtain more information, contact the secretary-treasurer of your RCM or the Direction du financement politique of Élections Québec at 418-644-3570 (Québec region) or at 1-866-232-6494 (everywhere else in Québec). You may also send an email to **financement-municipal@electionsquebec.qc.ca**.

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2021 municipal general elections: special measures

following the adoption of Bill 85, entitled *An Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic* (SQ 2021, c.8):

- The election period will begin on the **fifty-first (51st) day** before polling day. Thus, the election period will extend from **September 17 to November 7, 2021**.
- Exceptionally, **a loan may be disbursed by funds transfer** from an elector to any political entity. The loan must be disbursed from an account in a financial institution that has an office in Québec. At the end of the activities related to the general election of November 7, 2021, no loan by funds transfer will be authorized.
- The official agents and official representatives may **pay the expenses for which the creditors have omitted to make a claim** no later than the sixtieth day after polling day by means of a **funds transfer** to an account held by the secretary-treasurer of the RCM at the time their return of election expenses is filed.
- The expenses related to the **purchase of services or sanitary material** may be excluded from election expenses, at the official agent's option, unless the official agent chooses to include them, subject to not including any partisan aspect.

Introduction

You are at the beginning of an election period and have accepted to act as official representative and official agent of an authorized independent candidate who is running for the position of elected warden of a regional county municipality (RCM). On this basis, you are bound to comply with certain rules regarding election financing and election expenses that are set out in Chapter XIII of the *Act respecting elections and referendums in municipalities* (CQLR, c. E-2.2) (AERM).¹

→ The text of this guide also applies to every authorized independent candidate who self-designates as an official agent and representative. If such is your case, you must make the necessary adaptations.

The purpose of this guide is to help the official representative and official agent of an authorized independent candidate to understand and comply with the provisions of the AERM applicable to that official representative and official agent. This guide is accessible on the website of Québec's Chief Electoral Officer (DGEQ) at **electionsquebec.qc.ca**.

The interpretations expressed in this guide do not take precedence over the provisions of the *Act* and are not intended to replace the official text of the *Act*. When interpreting or applying the AERM, you must refer to the text published by the Éditeur officiel du Québec, which can be viewed at **publicationsduquebec.gouv.qc.ca**. The references to the provisions of the *Act* are indicated in parentheses, as applicable.

1. Section 210.29.2 of the *Act respecting municipal territorial organization* (CQLR, c. O-9) provides, in the case of an RCM where the warden is elected by universal suffrage, that the provisions relating to the election of the mayor contained in the AERM, except for those of Chapters III and IV, apply to the election of the warden to the extent they are compatible with such an election.

Introduction

You may address all your questions on how the provisions of Chapter XIII of the AERM apply to an official representative and the official agent of an authorized independent candidate, to the secretary-treasurer of the regional county municipality (RCM) or to Élections Québec by communicating with a political financing coordinator:

Direction du financement politique

Élections Québec

1045, avenue Wilfrid-Pelletier

Québec (Québec) G1W 5C4

Telephone:

418-644-3570 (Québec region)

1-866-232-6494 (toll free)

Email: **financement-municipal@electionsquebec.qc.ca**

Website: **electionsquebec.qc.ca**

→ The rules described in this guide apply to municipalities of 5000 or more inhabitants or any municipality of less than 5000 inhabitants that is already subject to Chapter XIII of the AERM and to RCMs where the warden is elected by universal suffrage.



1 Role and responsibilities

Any candidates who wish to solicit or collect contributions, contract loans, use material in the context of their campaign or incur election expenses (no matter how minimal) must hold an authorization granted by the Chief Electoral Officer (DGE).

During a general election, the elector may apply for authorization to the secretary-treasurer of the RCM effective **from January 1 of the year preceding the year when the election must be held**. For a by-election, the elector may do this effective from the day the office becomes vacant.

In an election period, independent candidates may apply for authorization at the same time they file their nomination paper, or subsequently with the returning officer of their RCM.

1.1 Role

(S. 164, 382 and 455)

The official representative and the official agent of an authorized independent candidate are one and the same person. Independent candidates may designate themselves as their own official agent and official representative. To summarize, the official representative is responsible for financing and the expenses incurred outside the election period, and the filing of the financial report. The official agent is responsible for the election expenses and the filing of the return of election expenses.

1.2 Appointment

(S. 164, 349, 381 to 384, 400 and 400.1)

In the context of their application for authorization, independent candidates must designate their official representative or designate themselves in this capacity. The official representative, if different from the candidate, must countersign the application, which serves as consent to the appointment. The official agent must be appointed at the time the nomination paper is filed. An official agent who is not the candidate must also countersign the nomination paper, which serves as consent to the appointment.

Any employer, on written request, must grant a leave without pay to an employee who acts as official agent of a candidate (s. 349).

A person may not act as an official representative or official agent who (s. 383):

- Is not an elector of the RCM;
- Is a candidate for the position of warden of the RCM, except for the authorized independent candidate who self-designates as official agent and official representative;
- Is the leader of a party performing its activities in the territory of the RCM;
- Is a member of the election staff of the RCM or the employee of such a member;
- Is a public officer or an employee of the RCM or a mandatory body of the RCM;
- Is the Chief Electoral Officer or a member of the Chief Electoral Officer's staff;
- Is convicted of an offence constituting a corrupt electoral practice within the meaning of section 645 of the LERM, section 223.1 of the *Act respecting school elections to elect certain members of the boards of directors of English-language school service centres*, or section 567 of the *Election Act*. The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a res judicata.

→ Independent candidates who only contribute personally to their campaign, up to a maximum of \$1000, and who use their personal bank account to pay their campaign expenses, must be their own official representative and official agent.

If the obligation described in the box above is not honoured in the application for authorization and any authorized independent candidates have appointed a person other than themselves as official representative and official agent despite their intention not to open an election fund because they will self-finance up to the maximum amount stipulated in the AERM, two possibilities are available to them:

1. Open an election fund to allow the official representative and official agent to incur and pay the election expenses from this fund.
2. Withdraw the role of official representative and official agent from the person they had previously named and self-designate for these two roles so they can continue to use their personal bank account without opening an election fund.

1.3 Resignation and replacement

(S. 386, 387, 393, 425, 487 and 496)

The official representative and official agent of an authorized independent candidate who finds that a condition mentioned above is not respected must resign forthwith. The official representative and official agent may also resign for any other reason. A signed document to that effect must then be transmitted without delay to the candidate and the Chief Electoral Officer (s. 386) to the attention of the Direction du financement politique.

However, the official representative and official agent must provide a financial report and, as applicable, a return of election expenses, to the candidate, as soon as possible after resigning. These reports and returns must cover the period during which the official representative and official agent performs duties and must be accompanied by receipts, invoices, or other vouchers. The resignation of the official agent, after the election period, does not exempt this person from transmitting a return of election expenses within the deadline, unless this return is produced by the replacement (s. 487 and 496). The position of official representative or official agent left vacant must be filled as soon as possible (s. 393).

1.4 Élections Québec mandatory training

(S. 387.1)

Within 10 days after appointment, the official representative and official agent of an authorized independent candidate must take a training course concerning the rules of political financing and election expenses given by the Chief Electoral Officer. Subsequently, this person must take any additional training to update their personal knowledge.

The training course is available online. To access this training, every person required to take the training must provide an email address upon their appointment. This address will be used to confirm the participant's identification and to transmit communications pertaining to access to and participation in the training and related follow-up measures.

A mention is entered next to each name in the Register of Authorized Political Entities of Québec (REPAQ) to indicate whether or not the persons have taken the mandatory training within the prescribed deadlines. These mentions are posted publicly on the Élections Québec website.

1.5 Summary of main responsibilities

- Managing the election fund (the election bank account).
- Controlling the amounts collected.
- Incurring or authorizing expenses.
- Paying expenses.
- Keeping all the vouchers not remitted to the secretary-treasurer.
- Producing the various reports.

1.6 Declaration of a candidate's advertising expenses

(S. 162.1)

According to section 162.1 of the AERM, the nomination paper must include the total amount of any publicity or advertising expense made by the authorized independent candidate and used during the period commencing on January 1 of the year of the general election and ending on the date the election period begins.

In the case of a by-election, January 1 is replaced with the date when the position becomes vacant.

When the amount exceeds \$1000, the nomination paper must detail these advertising expenses.

These advertising expenses must be recorded in the return of election expenses filed no later than 90 days after polling day, in the column "Amount not included in election expenses".

How to ensure proper accounting for advertising expenses

The advertising expenses, which the candidate must detail in the nomination paper, are those pertaining to the election, regardless of the media used. This may involve an expense for radio, television, newspaper or print advertising or any other media or information technology (pamphlets, posters, signs, buttons, website, etc.). All the expenses incurred for the design, development, production, broadcasting and distribution of advertising material must be included.

Moreover, in the case of an advertising expenses incurred for goods or services used both before and during the election period, the expense must be calculated in proportion to the frequency of use before this period relative to the frequency of use before and during this period.

Example of allocation:

A future authorized independent candidate (elector authorized by the returning officer) installs advertising signs ten days before the 51-day election period, and the cost of these signs totals \$7000. The amount of the advertising expense to be entered on the nomination paper is \$1147.54, or 10 days X \$7000/61 days.

1.7 Request for withdrawal

(S. 403, 404, 407, 408 to 411 and 413)

If the authorized independent candidate you represent wishes to request withdrawal of authorization, contact an advisor of the Service du Registre, de la coordination et de la gestion des contributions politiques at 418-644-3570 for the immediate Québec region or at 1-866-232-6494 anywhere else in Québec.

1.8 Key dates for a general election

ACTIVITIES - EVENTS	Number of days in relation to polling day
Beginning of the election period	- 44
First day for filing a nomination paper	- 44
First day to accept an application for authorization of a private intervenor	- 40
Last day for filing of a nomination paper	- 30
Last day to accept an application for authorization of a private intervenor	- 20
Polling day	0
Deadline for filing returns of expenses of private intervenors	+ 30
Deadline to accept a claim from your suppliers for expenses incurred and not claimed	+ 60
Deadline for filing report and return of an authorized independent candidate	+ 90

1.9 Extranet

Élections Québec makes an online platform available to you, where you can find all the necessary documents to perform your role as official representative and official agent. All the information guides, directives, forms and various other tools can be found there. This is also where all the new information concerning political financing is published and where you can access the Web application to produce your authorized independent candidate report and return.

You can access it with the same connection information as is used for your mandatory training. Go to **pes.electionsquebec.qc.ca** to consult all the available documentation.

1.10 Role and responsibilities of the secretary-treasurer of your RCM

The secretary-treasurer's role is to support Élections Québec's team in the application of Chapter XIII of the Act. When acting under this Chapter, the secretary-treasurer is under the sole authority of Québec's Chief Electoral Officer (s. 376).

In particular, the secretary-treasurer must:

- Remit the relevant documents to any authorized independent candidate (Guide for the official representative and official agent of an independent candidate authorized to run for the position of warden of an RCM) and give this candidate the relevant instructions;
- Display and update the list of official agents of the authorized independent candidates (s. 394) and the permitted limit on election expenses;
- Calculate the limits on election expenses and send a copy (preliminary and final) to all official agents;
- Receive and verify the returns of election expenses of the authorized independent candidates;
- Issue the notice for default of issuing a report and return within the deadlines to the persons concerned (s. 64 and 502 to 504);
- Calculate and disburse the matching revenues (for municipalities of 20 000 or more inhabitants);

CHAPTER 1 Role and responsibilities

- Reimburse the election expenses to the independent candidates who are entitled to them (s. 476) in accordance with the AERM and with the agreement of the Chief Electoral Officer of Élections Québec;
- Send the Chief Election Officer a copy of any financial report and report of activities and, upon request, a copy of any return of election expenses the secretary-treasurer has received (s. 500);
- Publish a summary of the returns of election expenses in a newspaper published in the territory of the RCM (s. 499);
- Produce and submit to the RCM Council, no later than April 1 of each year, a report of the secretary-treasurer's activities in accordance with Chapter XIII of the Act for the previous fiscal year. The secretary-treasurer must also transmit a copy to the Chief Electoral Officer (s. 513).



2 Receipts

2.1 General information

There are several ways to obtain financing for election expenses. The most widespread means is certainly collecting contributions, but it is also possible to contract a loan or organize political activities. This part of the guide will deal with financing methods and the rules that govern them.

Before obtaining any cash receipts, one crucial step must be taken – opening a bank account (the election fund).

2.2 Election fund

(S. 457 and 458)

After obtaining an authorization, the first step is to open a bank account through which **all** cash receipts and disbursements must pass. This account, known as the “election fund”, must be opened at a Québec branch of a financial institution, and you **must** obtain a monthly statement and the returned cheques (originals or scanned).

The official representative must use this account to deposit the contributions received from electors, borrowing and subsidiary revenues collected during political activities. Subsequently, any disbursement for an election expense or any expense pertaining to an election must be made from this fund. Directive **D-M-4** contains the necessary information to open this account.

Moreover, after the election period, any amount disbursed by the RCM in matching revenues or reimbursement of election expenses, whether it is an advance or not, must be paid to this account. Also, you may only close the account when all debts resulting from the election have been repaid in full. The account therefore must remain open until all transactions related to the election have been concluded.

However, the opening of such an account is not mandatory when the sums in the election fund come **exclusively** from contributions provided by the authorized independent candidate (up to \$1000).

Contributions

(S. 47, 401, 427, 429, 430, 433, 439, 454, 458 and 498)

Definition

The gift of a sum of money to an authorized independent candidate, the services rendered to that candidate (except for volunteer work; on this subject, see section 3.4 of this guide) and goods supplied to the candidate free of charge, for political purposes, constitute contributions. A sum of money, goods or services supplied by candidates personally in view of their election are also considered to be contributions, except for the sum serving to pay a transportation expense or a personal expense that is not subject to reimbursement and that does not include any advertising expenses.

→ Only an elector of the RCM may make a contribution to an authorized independent candidate for that same RCM. The contribution is made by the elector personally, out of the elector's own property. Moreover, this contribution must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way. (s. 429 and 430).

An elector of the RCM is any person of full age, who is a Canadian citizen, who has not lost the right to vote because of tutorship, who has not been found guilty, within the last five years, of an offence that is a corrupt electoral practice within the meaning of the *Election Act*, the *Referendum Act*, the *Act respecting elections and referendums in municipalities* or the *Act respecting school elections* (sections 1 and 568), and who meets one of the following two conditions (s. 47):

- is domiciled in the territory of the RCM, and has been, for at least six months, domiciled in Québec;
- has been, for at least 12 months, the owner of an immovable or the occupant of a business establishment, within the meaning of the *Act respecting municipal taxation*, located in the territory of the RCM.

In the case of undivided co-owners of an immovable and of co-occupants of a business establishment, only the co-owner or the co-occupant designated by means of a power of attorney (DGE-1419), signed by the majority of them, is entitled to contribute to the financing of political parties and authorized independent candidates. Any persons designated by such a power of attorney must pay such contributions from their personal property.

Contributions may only be made to the official representative or to the persons designated by the official representative in writing (canvassers). They must be deposited in the account opened as an election fund.

Contributions may be solicited and collected up to the date the report and return are filed. After that date, the official representative is authorized to solicit and collect contributions for the sole purpose of paying the debts contracted during the candidate's authorization. If the candidate has no debt, and goods and sums of money remain in the election fund on December 31 following the election year, they must be remitted to the secretary-treasurer of the RCM, who will pay them to the RCM's general fund.

Exceptionally, if a surplus comes exclusively from the candidate's personal contribution, the candidate may retain this sum as reimbursement of their personal contribution. However, the initial contribution receipt must be cancelled, and a new contribution receipt must be issued indicating the actual amount contributed.

Maximum contribution permitted by the Act

(S. 431)

→ The total amount of contributions in cash and in goods and services may not exceed **\$100** to each of the authorized parties and independent candidates during the same fiscal year (calendar year) for the same elector.

Additional contributions during elections

(S. 431)

In addition to usual contributions, which may total \$100 during a fiscal year, the electors of an RCM where an election is held may make additional contributions, for this election, not exceeding **\$100** for the benefit of each authorized independent candidate.

These additional contributions may be paid:

- in the course of the fiscal year during which a general election is held;
- during a by-election, effective from the vacancy of the position up to the 30th day after polling day.

→ In addition, the Act provides that an authorized independent candidate may, **after the nomination papers have been accepted, up to December 31 of the election year**, make contributions for the candidate's own benefit, the total of which may not exceed **\$800**. In all, only for the year of an election, any authorized independent candidates may thus contribute a maximum of \$1000 to their campaign.

When?	Who?	Maximum contribution
Every year	For every elector	\$100 per entity (party or authorized independent candidate)
The year of a general election	For every elector	An additional \$100 per entity
For each by-election, from the notice of vacancy to the 30 th day after polling day	For every elector	An additional \$100 per entity
From the acceptance of his or her declaration of candidacy to December 31 of the year in which the poll is held	For every candidate	An additional \$800 for his or her own campaign

Contributions of more than \$50

(S. 436 and 480)

Every contribution of money of more than \$50 must be made by cheque or another order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec. The cheque must be made payable to the order of the election fund of the authorized independent candidate. It is strongly recommended to keep copies of the contribution cheques and remit them with the other vouchers accompanying the Report and return of an authorized independent candidate. Nevertheless, contributions of more than \$50 may not be made in cash, by means of a money order or by a bank draft. Bank drafts and money orders are not orders of payment signed by the elector and are not drawn on the elector's account in a Québec branch of a financial institution.

Contributions may also be made by means of a credit card if certain conditions are met. If you intend to use this mode of payment, see Directive **D-M-21** on our website and communicate with a public financing coordinator of the Direction du financement politique.

The *Report and return of an authorized independent candidate* (see section 4 of the guide) must include the number of contributors and the total amount of contributions over \$50 collected during the period concerned. Moreover, the report must be accompanied by a list of contributors in alphabetical order, their address, the number and date of the receipt, and the amount they paid.

Contributions of \$50 or less

(S. 480)

Contributions of \$50 or less must be properly recorded and deposited in the election fund like any other cash receipt. The financial report must present the number of contributors and the total amount of contributions of \$50 or less collected during the fiscal year.

All modes of payment are accepted for contributions of \$50 or less. They may be made by cheque, credit card (**D-M-21**), bank draft and bank transfer, as well as in cash.

Tax credit

At the municipal level, under the *Taxation Act* (CQLR, c. I-3), monetary contributions are eligible for a tax credit equivalent to 85% of the first \$50 and 75% for the excess amount on the first \$50, up to \$200, for a maximum credit of \$155 per calendar year, excluding any contribution paid by an authorized independent candidate for his or her personal benefit.

Contributions of goods and services

(S. 427)

Any goods or services provided free of charge to an authorized independent candidate (except for volunteer work; see section 3.4) constitutes a contribution. Such contributions must be included in the financial report. Like any other contribution, a contribution of goods or services must be solicited or obtained under the authority of the official representative or of any other person designated by the official representative (canvasser). Only an elector of the RCM may make a contribution of goods and services. The maximum annual amount permitted by the *Act for a political contribution* must also be respected.

These goods or services are valued at the current market price, namely the lowest retail market price in the region and in the period when they are offered to the public in the normal course of business. Moreover, an invoice that describes the goods or services and that attests to their value must be produced by the elector, and a contribution receipt must be remitted to the elector (also see section 3.2 of the guide entitled “Use of Goods or Services Supplied Free of Charge”).

Non-compliant contributions

(S. 440 and 90.6)

Any contribution made contrary to the provisions of the *Act* (e.g. a contribution by a business [legal person], a contribution exceeding the maximum permitted by s. 431 of the AERM, etc.) must, as soon as the fact is known, be remitted to the secretary-treasurer, who pays it to the general fund of the RCM.

The Chief Electoral Officer may address an official representative of an authorized independent candidate in writing to claim political contributions deemed to be non-compliant.

The Chief Electoral Officer will post on Élections Québec’s website all claims for non-compliant contributions made to a political entity.

Canvassers

(S. 432)

As an official representative, you are responsible at all times for contributions solicited, collected and deposited. However, you may designate in writing persons to assist you in this task. You must then remit a signed certificate to each of them, attesting to their capacity as canvasser, and keep a copy. Any canvasser must exhibit this certificate on request. A model of the certificate is presented in Directive **D-M-6** and is available in the “Forms and Other Tools” section of your extranet. With each of your reports, you must remit all the canvassing certificates active during the period covered by the report and return and the list of these canvassers, even if you did not designate any.

If candidates wish to collect contributions personally and are not their own official representative, they must obtain a canvassing certificate issued by their official representative.

Contribution receipts

(S. 434)

For any contribution, **regardless of the amount** (but without exceeding the maximum permitted by the Act), the official representative or the designated canvasser **must** remit a receipt to the contributor. When a contribution is received by mail or otherwise, without having been solicited directly, a receipt must be issued within 30 days of its deposit. Contribution receipts prescribed by the DGEQ are provided to you for this purpose.

Upon remittance of a contribution receipt, the official representative or the designated canvasser must ensure that the box entitled “Declaration signed by elector” is filled in and signed personally by the contributor.

If an elector wishes to send you a contribution by mail, you must ask the elector to print the provisional contribution receipt template found on the Élections Québec website, complete it, sign the elector’s declaration and send it with the payment. You then must send the elector an official contribution receipt that may be used for tax purposes. The official representative’s copy of this receipt will be used when you reconcile your contributions. The provisional contribution receipt signed by the contributor must be stapled to the Chief Electoral Officer’s copy of the receipt.

In the case of co-owners of an immovable or co-occupants of a business establishment, a copy of the power of attorney must be attached to the copy of the receipt intended for the secretary-treasurer for audit purposes.

→ **Note:** Authorized independent candidates who finance their own campaign must issue a contribution receipt to themselves.

2.4 Political activities

Definition

(S. 480)

A political activity is an activity organized to collect funds for the benefit of the election campaign of an authorized candidate through the sale of tickets. For example, a dinner, a golf tournament, a cocktail party, etc. may constitute political activities under certain conditions.

As an official representative, you are responsible for all the receipts collected during a political activity. All the sums collected must be accounted for and paid to the election fund. The section of the financial report of the *Report and return of an authorized independent candidate* must include this information, and you must also, for each activity held, complete the *Report of political activities and subsidiary revenues* prescribed in Directive **D-M-26** if you have collected admission revenues. This form must be attached with the reports as a voucher.

However, if no revenue is collected during an activity, you do not have to file a report for this activity.

Funds collected

(S. 428(7) and 453(4.1))

The AERM defines the circumstances in which the admission price collected during political activities can be accepted without issuing a contribution receipt. **The total sums collected (activity revenues) without a receipt may not exceed 3% of the total contributions collected during the period covered by the financial report.** Here is how to treat these sums depending on whether the admission price per day is \$60 or less, or more than \$60:

IF THE ADMISSION PRICE IS EQUAL TO OR LESS THAN \$60: TWO POSSIBLE OPTIONS	
You may consider the admission price as a contribution.	You may consider that the admission price is not a contribution.
Conditions of application: <ul style="list-style-type: none"> • this choice must be applied uniformly to all participants; • a contribution receipt must be issued for the amount of the admission price; • for admission prices exceeding \$50, electors must make the disbursement by cheque or by credit card (D-M-21) from their personal property; • the person who pays the admission price must qualify as an elector, and this payment must be considered in the total amount of the contributions paid by that elector. 	Conditions of application: <ul style="list-style-type: none"> • this choice must be applied uniformly to all participants; • no contribution receipt shall be issued, except for what is mentioned*; • every person (natural or legal) may pay the admission price only once, regardless of whether or not this person qualifies as an elector*; • the revenues are limited to 3% of the total contributions collected during the period covered by the report; • a list of all attendants must be produced.

* A person who qualifies as an elector may pay the price of more than one admission. However, the amount exceeding the price of an admission must be considered a contribution, and a contribution receipt must be issued.

→ Financing activities are under the exclusive responsibility of the official representative. In this regard, when the admission price for a political activity or rally is \$60 or less and you choose to consider this admission price as activity revenue without a contribution receipt, **you must put the necessary controls in place** to prove your compliance with this provision of the AERM to the Chief Electoral Officer, on request.

Consequently, the official representative must establish, for control purposes, a list of the names and addresses of the persons (natural or legal) who disbursed an admission price. This list must accompany the report of political activity, as prescribed by Directive **D-M-26**.

More precisely, for any person who purchases more than one admission ticket, you must ensure:

- That the person is qualified as an elector (s. 47 and 429);
- That the mode of payment is compliant with section 436;
- That a contribution receipt is issued for the amount exceeding the first admission (s. 434);
- That the receipt is signed by the contributor;
- That the contribution limit for this same elector is respected (s. 431).

In application of section 440.1 of the AERM, any non-compliant financing must be returned to the secretary-treasurer of the RCM within 30 days of transmission of the financial report.

Example:

Total contributions collected during the period covered by the report	\$5000
Maximum revenues collectible without contribution receipt during political activities:	X 3%
Maximum amount collectible without a receipt:	\$150

IF THE ADMISSION PRICE EXCEEDS \$60: ONLY ONE OPTION POSSIBLE**You must consider the admission price for this activity as a contribution.****Conditions of application:**

- A contribution receipt must be issued for the amount of the admission price.
- The receipt must be signed by the contributor (must be an elector of the RCM).
- The disbursement must be made by cheque by this same elector from that elector's own property.
- The amount paid must be considered in this elector's total contributions.

In an election period, the expenses incurred to hold a political activity constitute election expenses, except for the cost of the food and beverages served if it is included in the admission price disbursed by the participant.

Subsidiary revenues*(S. 428(8) and 480)*

Subsidiary revenues can only be collected during a political activity. These revenues do not necessitate the remittance of a contribution receipt. For example, they can involve checkroom revenues or revenues derived from non-alcoholic beverage sales.

These revenues must be reasonable, i.e. very limited, non-recurring and commensurate to the number of participants in the political activity.

The promotional items sold during political activities are likened to subsidiary revenues. The purchase price, the selling price and the quantities sold must appear in the report of this activity. You may sell promotional items at any time, in reasonable quantities, insofar as this does not constitute commercial revenue and cannot be likened to such revenue.

The financial report included in the *Report and return of an authorized independent candidate* must include the total amount of subsidiary revenues collected. The details of these amounts, and the nature, place and date of the activity or the rally, must be recorded in the report of activity that will be produced with the financial report (for additional information, see Directive **D-M-26**).

The Chief Electoral Officer evaluates the reasonableness of the subsidiary revenues collected by an authorized candidate. Any subsidiary revenue derogating from the above-mentioned conditions without justification will be considered a non-compliant contribution and will be returned to the secretary-treasurer of the RCM, in accordance with the provisions of section 440 of the AERM.

2.5 Loans and suretyships

(S. 446, 446.1, 447, 447.1 and 448)

As official representative, you are the only person authorized to contract a loan, whether with an elector of the RCM or a financial institution. Due to this fact, you may also contract loans with the candidate, because the candidate is qualified as an elector. Any loan granted by an elector must be made by means of a funds transfer, a cheque or another order of payment signed by the elector and drawn on the elector's account in a financial institution that has an office in Québec.

The loan agreement or declaration of suretyship shall also include a declaration by the elector stating that the loan is being granted or the suretyship contracted out of the elector's own property, voluntarily, without compensation and for no consideration, and that it will not be reimbursed in any other way than as stipulated in the deed or contract.

Only an elector may act as surety of a loan. Moreover, the total of the outstanding principal of the loans the elector grants and for which the elector remains surety in connection with contracted loans may not exceed \$5000.

Pay special attention to contracts of suretyship, because in financial institutions, suretyships are solidary, unless otherwise indicated. Thus, if an elector wishes to act as surety of such a loan, this elector shall ensure that the loan agreement stipulates that its suretyship applies up to a maximum amount of \$5000.

→ Any loan must be contracted at the current market interest rate and be recognized in writing. The deed of loan must indicate:

- The name and address of the lender;
- The date and time of the loan;
- The interest rate of the loan;
- The terms of repayment of the principal and the frequency of interest payments;
- A declaration by the elector stating that the loan is being granted or the suretyship contracted out of the elector's own property, voluntarily, without compensation and for no consideration, and that it will not be reimbursed in any other way than as stipulated in the loan agreement. A template of the loan agreement and the declaration of suretyship is made available to the official representatives by Élections Québec on the extranet of municipal political entities.

It should also be noted that a loan agreement must always be completed and signed and that the annual interest payment is mandatory **even if the candidate personally loans the money for the benefit of the campaign.**

→ **Important**

We strongly recommend that you maximize your contributions before taking out a loan. It is advantageous for you to use the maximum contribution of \$1000 by an authorized independent candidate before contracting a loan, because the residual balance of a loan that is too high may prove difficult to repay after the election.

Moreover, a candidate who has not repaid a loan at the end of authorization as a candidate may not run as a candidate again for a period of four years (section 65).

Line of credit

A line of credit can be used to pay your candidate's expenses in whole or in part, on the filing date of the *Report and return of an authorized independent candidate*. You must include the amount due on this line of credit in the loans. If, to cover outstanding cheques, this line of credit is required on the filing date of the financial report, you will have to ask the financial institution to transfer the necessary funds to the current account before submitting your report. Thus, all your claims (invoices) will be considered paid, as required by the *Act*.

Current market interest rate

(S. 428(4))

The current market interest rate for a loan or a line of credit is the interest rate established by a financial institution in the normal course of business at the time it is granted.

This rate accounts for the circumstances, the possibilities of repayment and the additional guarantees offered by the borrower. Thus, to determine the rate established by a financial institution, you must look up the rate this institution would ask from the public for a loan in the same amount, involving the same repayment guarantees.

When an elector's loan is granted at a rate lower than the current market interest rate, the different between the amount of interest asked by this elector and the amount of interest a financial institution would ask the public for this same loan is considered a contribution made by the elector who grants the loan. This contribution must be accounted for in the same manner as any other contribution and be subject to the same rules.

Repayment of a loan

(S. 449)

A loan must be repaid by using contributions from electors (complying with the limits established in section 431 of the AERM), revenues from political activities, matching revenues or the reimbursement of election expenses. **The candidate must comply with the contribution limit when repaying a debt from personal property. This rule applies even in the case of a loan made by the candidate personally.**

After the election period, the election fund may be closed only when the loan is repaid in full.

Payment of interest

(S. 448)

The official representative must, at least once a year, pay the interest due on the loans contracted, even if the loan comes from the candidate personally.

Repayment deadline

(S. 65, 402, 474 and 509)

→ The deadline to repay a loan is December 31 of the second year following the year of the election. If the loan is not repaid or if it is repaid after that date, the candidate, whether elected or not, becomes ineligible to run for four years after this default.

The ineligibility of an elected independent candidate shall cease on the day a financial report confirming payment of all debts is filed, when the report is filed before the expiry of the four-year period.

In addition, an independent candidate who was elected and who, on December 31 of the second calendar year following the election year, has not paid all debts contracted during the period of authorization, shall lose the right to attend, as a member, the sittings of the council of the RCM from that date and until that candidate has paid off all the debts in question and filed a financial report confirming this payment.

The loss of the right to attend the sittings of the council of the RCM also results in the loss of the right to attend, as a member, the sittings of the councils, committees, commissions and public bodies contemplated in section 504.

2.6 Reimbursement of election expenses

(S. 476, 477 and 478)

It is only after receiving and auditing the *Reports of the authorized independent candidate* that the secretary-treasurer offers a reimbursement, from the general funds of the RCM, to the candidate:

- Who was elected,
- or
- Who obtained at least 15% of the votes cast in the election for the office of warden.

The independent candidate who is entitled to reimbursement of election expenses obtains the lesser of:

- The amount equal to 70% of the eligible election expenses recorded in the return of election expenses
- or
- The total amount of the debts resulting from that candidate's loans, added to the candidate's personal contribution.

During the calculation of the final reimbursement, the amount to which an authorized independent candidate is entitled as matching revenues under sections 442.1 to 442.3 is subtracted from that candidate's eligible election expenses.

The purpose of this calculation method is to avoid the personal enrichment of the authorized independent candidates upon payment of the reimbursement of election expenses to which they are entitled.

The reimbursement is paid jointly to the candidate and the candidate's official representative and must be deposited in the election fund.

To allow the reimbursement of an election expense for which proof of payment was not provided upon submission of the report, the cheque cleared by the financial institution or any other proof of payment must be sent subsequently to the secretary-treasurer.

2.7 Matching revenues during elections

(S. 442.1 to 442.5)

During general elections or by-elections, the secretary-treasurer of any RCM of 20 000 or more inhabitants disburses matching revenues to the authorized independent candidates at the same time as the reimbursement of election expenses.

These revenues are calculated at the rate of \$2.50 for each dollar raised as contribution revenue, effective from January 1 of the year during which a general election is held up to polling day or, in the case of a by-election, during the election period.

→ **However, the calculation of this revenue excludes the contribution paid by a candidate for their own benefit.**

There is a maximum amount to which an authorized independent candidate for the position of mayor or borough mayor is entitled:

MAXIMUM AMOUNT PERMITTED (office of warden)	NUMBER OF INHABITANTS OF THE RCM	
	Lower limit	Upper limit
\$1000	20 000 and over	49 999
\$2000	50 000	99 999
\$3000	100 000	199 999
\$3500	200 000	299 999
\$4000	300 000	399 999
\$4500	400 000	499 999
\$5000	500 000	999 999
\$10 000	1 000 000 or more	

In calculating the reimbursement of election expenses, the secretary-treasurer must deduct the matching amount to which an independent candidate is entitled from the amount of the election expenses recorded in the report.

The amount to which an independent candidate is entitled as matching revenue and reimbursement of election expenses may not exceed the total obtained by adding the amount of the debts resulting from that candidate's election expenses incurred and paid in accordance with the Act with the amount of that candidate's personal contribution attested by a contribution receipt.

2.8 Advance on public financing and reimbursement of election expenses

(S. 474.1 and 474.2)

On receipt of the Report on the payment of an advance (DGE-1045) prescribed by Directive D-M-32, the secretary-treasurer of the RCM promptly pays the candidate who is entitled to matching revenues an advance equal to 50% of this amount and, if the candidate is entitled to a reimbursement of election expenses, an advance equal to 50% of that amount. The advance is made jointly to the official representative and the authorized independent candidate.

Any sum overpaid as an advance must be reimbursed to the secretary-treasurer within 30 days after the notice sent to the official representative.

If the advance is paid before the filing of the report of an authorized independent candidate, it must be considered as a receipt in your election fund. It must be used only to pay the balance of a loan and must be declared as such in your report.

3

Disbursements

3.1 General information

(S. 455, 457, 458, 459, 460, 463 and 465)

All expenses, whether election or non-election expenses, must be paid by cheque, debit card or bank transfer from the election fund. The official agent is solely responsible for election expenses, and is thus responsible for authorizing and paying them. The vouchers defined in Directive **D-M-34** are required, because they constitute proof of payment of an expense. The official agent must also retain the original invoices of all expenses (including the federal and provincial taxes) and attach them to the return of election expenses.

A limit on election expenses will be sent to you by the secretary-treasurer of your RCM. This limit must never be exceeded, failing which the official agent commits an offence, could be prosecuted and, as applicable, could be liable for a fine and convicted of a corrupt electoral practice.

This third part of the guide deals with the four categories of expenses:

- Advertising, which is by far the most important expense, but requires very special attention regarding its identification (section 3.3);
- Goods and services;
- Leasing of premises;
- Travel and meal expenses.

3.2 Election expenses

Definition

(S. 451)

- An election expense is the cost of any goods or services **used** during an election period to:
- Promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;
 - Propagate or oppose the program or policies of a candidate or party;
 - Approve or disapprove courses of action advocated or opposed by a candidate or party;
 - Approve or disapprove any act done or proposed by a party, a candidate or their supporters.

Exceptions

(S. 453 and 454)

Certain goods and services are not considered election expenses. These include:

1. The cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other print publication. For this purpose, the following conditions must be respected:
 - They are published in the same manner and under the same rules as outside the election period.
 - They are published without payment, reward or promise of payment.
 - The newspaper, periodical or other print publication is not established for the purposes or in view of the election.
 - The circulation and frequency of publication are as what obtains outside the election period.
2. The cost of broadcasting by a radio or television station of a public affairs, news or public opinion program. However, this program must be 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 transportation costs of any person other than a candidate, paid out of that person's own money, if the costs are not reimbursed to him or her.

4. The cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants.
5. Interest accrued between the date of the loan in the election period and the day occurring 90 days after polling day, on any loan lawfully granted to the official representative for election expenses, unless the interest was paid and declared in the return of election expenses;
6. Reasonable expenses incurred by the candidate for personal transportation or for other personal expenses, which are not reimbursed.
7. The expenses paid and incurred for the holding of meetings by non-partisan organizations, 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. To obtain information concerning the organizing and holding of public meetings in an election period by non-partisan organizations, see Directive **D-M-24**.
8. The publicity expenses, the total of which does not exceed \$300 for the entire election period, paid or incurred by a private intervenor.
9. The costs of a judicial recount (new count or readdition of the votes).
10. All acknowledgment expenses after the election period, i.e. after the closing of the polling stations (party for volunteers, thank you cards, newspaper advertisement, etc.).

Election period

(S. 364)

→ In 2021, the election period will begin on the 51st day preceding the scheduled polling date and will end on polling day at the closing time of the polling stations.

If the candidate uses goods and services during the election period before obtaining an authorization, the cost of these goods and services will still count toward the election expenses limit established by the *Act* and must be recorded in the return of election expenses. However, these expenses may not be reimbursed as election expenses, because they will not have been incurred in accordance with the *Act*.

Election expenses limit

(S. 465)

The amount of election expenses incurred by an authorized independent candidate during an election period must not exceed the following amount:

→ **For an election to the office of warden, the amount of \$3780, increased by:**

- \$0.30 per person entered on the list of electors of an RCM up to 20 000 electors;
- \$0.51 per person entered on the list of electors of an RCM from 20 000 to 100 000 electors;
- \$0.38 per person entered on the list of electors of an RCM above 100 000 electors.

Each official representative and official agent will receive two election expenses limits: the preliminary limit, calculated from the unrevised electoral list, and the final limit, calculated after the final revision of the electoral list. The greater of the two limits will constitute the official limit which you must respect.

The preliminary limit and the final limit will be communicated to you in writing by the secretary-treasurer of the RCM. If you exceed the official limit, you commit an offence that constitutes a corrupt electoral practice.

Incurring and controlling election expenses

(S. 455 and 461)

As the official agent of an authorized independent candidate, you are the only person who may incur or authorize election expenses. You must therefore ensure that nobody pays a different price for goods or services than the market price (price charged in the normal course of business, according to the market in the region and the period when the goods or services are supplied). However, this does not prevent a person from doing volunteer work. To obtain more information for this purpose, you can go to the heading in this chapter regarding volunteer work.

For control purposes, you must ensure that all the cheques you issue and all the payments you make by debit card, credit card or funds transfer are recorded in the return of election expenses.

Payment of election expenses

(S. 466 and 468)

Before transmitting your return of election expenses, you must pay all the claims (invoices) received within 60 days after polling day, unless you contest them. When the expense is paid by cheque, the cheque serves as proof of payment. For payments by debit card, credit card or bank transfers, the vouchers serve as proof of payment. You may consult Directive **D-M-34** to find out the vouchers specific to each mode of payment.

You may never pay an expense in cash, unless you do so with petty cash supplied by the election fund for minor expenses.

If a cheque has not been deposited (or if a transfer or a payment has not been accepted) before the date of filing of the report and return, the expense will be considered to have been paid in accordance with the *Act*, provided the following conditions are respected:

- The cheque, payment by card or funds transfer must have been issued and sent to the supplier before the date of filing of the report and return.
- Between the filing date of the report and return and the date of deposit of the cheque or the payment or acceptance of the transfer, there must be sufficient funds in the election fund at all times to cover this outstanding cheque, payment or transfer not yet deposited by the supplier.

To allow the reimbursement of an election expense for which proof of payment was not provided upon submission of the report, a proof of payment must be sent subsequently to the secretary-treasurer.

Even if a separate bank account (election fund) has not been opened (see Directive **D-M-4**), you must still provide a voucher proving that the supplier has indeed been paid for the goods or services. You may not pay for your expenses in cash, but instead must use a personal credit card or debit card and retain the official receipts of a point of sale terminal as proof of payment. It is important to remember that only candidates who are self-financed and who are their own official representative and official agent can choose not to open a bank account in lieu of an election fund, as specified previously in this guide.

You must ensure that all election expense payments are justified by an invoice. This invoice must contain the following information, depending on whether the expense is less than \$100 or \$100 or more:

less than \$100	\$100 or more
<ul style="list-style-type: none"> • supplier's name and address • date of invoice* • description of goods and services • total amount of the expense 	<ul style="list-style-type: none"> • supplier's name and address • date of invoice* • quantity • description of goods and services • unit rate • total amount of the expense

* If the date of the invoice is outside the election period, indicate the dates of use and the quantities used during the election period and affix your signature.

Expenses incurred but not claimed

(S. 467, 472 and 494)

If one of your suppliers has not submitted a claim (invoice) to you within 60 days after polling day, you must mention this in the return of election expenses and attach a cheque drawn on the election fund, made to the order of the RCM, or provide for a bank transfer to the RCM covering the total of these expenses incurred but not claimed.

You therefore may not pay a claim received after this period. The supplier will have 120 days to make a claim to the secretary-treasurer of the RCM, who will notify you of any discrepancy, as applicable. Beyond this additional period, the supplier's claim is prescribed, and the amount you paid is retained in the general fund of the RCM. The expenses incurred and not claimed count toward the limit on election expenses and are eligible, as applicable, to a reimbursement of election expenses.

Contested claims

(S. 468, 473 and 493)

You may contest a claim (invoice) or a portion of a claim if the expense was incurred without your knowledge, without your authorization, or if the conditions of the order were not respected (quantity, quality, date of delivery, price, etc.). If you ordered the material and contest the expense, **you must never use the material in question.**

Contested claims do not constitute election expenses, provided that the contested goods or services have not been used. However, these claims must be mentioned in your return of election expenses. After filing the return, you may not pay a claim contested in the return unless you obtain an express authorization from the secretary-treasurer. If you find yourself in this situation, communicate with a political financing coordinator of Élections Québec's Direction du financement politique, using the contact information mentioned in the introduction of this guide.

Use of goods or services supplied free of charge

In an election period, when goods or services for which you have remitted a contribution receipt (see "Contribution of Goods and Services" in section 2) are used to promote or oppose the election of a candidate, the cost of their use must be included in the return of election expenses. A voucher describing the goods or services and attesting to their value must be filed by the elector and attached to the return. Remember that only an elector of the RCM may offer goods or services free of charge, and these goods or services are considered a contribution.

These goods or services are valued at the current market price, namely the lowest retail market price in the region and in the period when they are offered to the public in the normal course of business. A contribution receipt must be remitted to the person who supplies the goods or services as a contribution. The value of these goods or services may not exceed the maximum annual amount permitted for a contribution.

Accounting for expenses according to use of goods or services before and during the election period

(S. 452)

→ When goods or services are used both during and before the election period, the portion of its cost that constitutes an election expense is established according to a proportion based on the frequency of use during the election period relative to the entire period in which they were used.

For example, if the cost of 1000 brochures is \$1000 and 200 brochures are distributed before the election period, you must indicate \$200 (200/1000, or 20% of the total amount) as a non-election expense and \$800 as an election expense.

It is therefore possible that the amount to be allocated to election expenses in the return of election expenses is different from the amount paid to a supplier for goods or services. The discrepancy between the amount paid and the amount allocated will be considered as a non-election expense and must be included in the section “Amounts Not Included in Election Expenses”.

Amounts not included in election expenses

(S. 400.1, 443 and 453)

All the expenses incurred and **used** from January 1 of the year preceding the year when the general elections must be held to the date preceding the start of the election period, must be entered in the “Amounts Not Included in Election Expenses” section. In the case of a by-election, the expenses to enter in this section are those that are incurred and used effective from the day the office becomes vacant to the day before the start of the election period.

This section of the return of election expenses must also show any other expense that is not an election expense or that the official agent chooses not to include in the expenses, such as interest on loans, bank fees, legal fees or the candidate’s personal expenses. These expenses must all be paid from the election fund. All the accounts and invoices must be paid upon remittance of the report, unless you contest them.

Candidate elected without opposition

Effective from the end date of the nomination period, you may no longer make or authorize expenses for a candidate who was elected without opposition.

In such a case, the only eligible election expenses are those that were incurred before the period of submission of nomination papers and those for which the order could not be cancelled before its use.

Election expense categories

The following pages address the method of calculating the amount to be allocated to election expenses for each expense category. These categories are as follows:

- advertising;
- goods and services;
- leasing of premises;
- travel and meals.

3.3 Advertising

→ **Radio, television, newspapers, pamphlets, posters, advertising signs, buttons, Internet and any other advertising material.**

As a general rule, advertising expenses constitute the largest share of an election campaign budget. These are also the expenses that require the most attention to ensure compliance with the provisions of the Act.

Accounting for the expense

(S. 452)

All the expenses incurred for the design, development, production and propagation of advertising material used in an election period and meeting the definition of an election expense must be accounted for without restriction. However, if the use begins before and continues during the election period, you must account for the expense according to a proportion based on the frequency of use during this election period relative to the complete frequency of use of the expense. The scale retained to calculate the proportion may fluctuate according to the nature of the advertising material used, i.e. the number of units, hours, days, etc.

All the costs relating to the conception, design, strategy, programming and maintenance of social media or the use of a Web platform must be taken into account in the calculation of the amount to be allocated to the election expenses according to their frequency of use. Moreover, any modification made during an election period to a website, social media or a Web platform deployed before the election period and resulting in costs constitutes an election expense.

The calculation will be done as follows:

Advertising brochures, writings, objects

$$\text{Printing and design costs} \times \frac{\text{Quantity used during the election period}}{\text{Quantity used before and during the election period}}$$

In case of reprinting of material used during the election period, the reprinting costs must be allocated to the election expenses.

Posters, billboards, Internet

$$\text{All expenses} \quad \times \quad \frac{\text{Number of days of the election period}}{\text{Number of days of use before and during the election period}}$$

Advertising capsules

$$\begin{array}{l} \text{All costs} \\ \text{(production,} \\ \text{design, etc.)} \end{array} \quad \times \quad \frac{\text{Number of times aired during the election period}}{\text{Number of times aired before and during the election period}}$$

Identification of advertising

(S. 463)

Important: To prove that your advertisements are properly identified, the official agent must provide a copy of each advertisement with the remittance of the official agent's return.

Any advertising or advertising material must be identified in accordance with the Act, as follows:

TYPE OF ADVERTISING	IDENTIFICATION REQUIRED
Advertising writing, object, material	Name and title of the official agent Name of the manufacturer or printer
Newspaper advertising	Name and title of the official agent
Radio or television advertising	Name and title of the official agent mentioned at the beginning or end of the message
Social media	Name and title of the candidate's official agent for each paid post
Internet advertising	Name and title of the candidate's official agent

If you do business with an advertising agency and it requires the services of a printer for various advertising items, the printer's name must be indicated on the advertisement rather than the name of the agency for the identification to be considered compliant.

Note: The terms "authorized and paid by" are not mandatory.

Social media

Twitter, Facebook, Instagram and any other social media allow advertising to be done. When their use results in expenses, identification of the name and title of the official agent is mandatory for each post for which expenses were disbursed.

All the costs relating to the conception, design, strategy, programming and maintenance of social media must be taken into account in the calculation of the amount to be allocated to the election expenses according to their frequency of use. Conversely, when posts or other activities on social media do not result in costs, identification of the name and title of the official agent is not mandatory, but strongly suggested.

Non-compliant identification

In the case that an advertisement is not identified in accordance with the *Act*, you may proceed as follows:

- Add a sticker or a stamp or identify it by hand.
- As soon as possible, take any other necessary means to identify the advertisement correctly.

In the case of newspaper advertising, a newspaper may not repeat a message free of charge nor publish an erratum.

→ If the advertisement or the advertising material used is still not identified in accordance with the *Act*, you must nevertheless enter the related expense as an election expense, which will have impacts on reaching the permitted limit. However, the cost of this expense will not be eligible for reimbursement of election expenses, because it is non-compliant. Therefore, be vigilant not to penalize the independent candidate for whom you assume the office of official agent.

Advertising material produced by volunteers

If volunteers, with the authorization of the official agent, personally manufacture advertising signs or photocopy messages for electoral purposes, it is important to note the following points:

- The volunteer work done does not constitute an election expense within the meaning of section 428 of the AERM.
- Advertising signs of this nature must be properly identified and thus contain:
 - The official agent's name and title;
 - The name of the committee or organization that printed or manufactured them.
- The cost of any material used, such as wood, paint, nails or paper for the manufacturing of advertising material, is an election expense and must be included in the return of election expenses. Moreover, if a photocopier or another type of equipment is used to produce advertising material, the official agent must ask the owner of the equipment to invoice the official agent for the costs of use.

Vouchers required for advertising material

For any advertising-related election expenses, you must attach to your return, in addition to the invoice and the proof of payment of the expense, the vouchers enumerated below, proving that the identification is in accordance with the Act.

Television and Radio

A proof of advertising, such as a letter from the media, the text of the message or an audio medium, e.g. on a USB key or a DVD, sent by email to the secretary-treasurer of your RCM or, as a last resort, an attestation* on your part.

Internet and Social Media

A printout of the home page or the post (page where the name and the title "official agent" are displayed) or, as a last resort, an attestation* on your part.

Newspapers

The proof of advertising, namely the **full page** of the newspaper in which the advertisement appeared.

Posters and Printed Documents

The proof of advertising, i.e. a copy of the button, the flyer or the poster, etc.

Banners and Large Advertising Signs

A photograph or photographs showing the compliant identification of the advertisement or, as a last resort, an attestation* by the supplier or on your part, specifying that the name of the manufacturer or the printer and the name and title “official agent” are found on these objects.

Loss of advertising material due to vandalism or theft during the election period

In Directive **D-M-18**, you will find the method of dealing, as applicable, with the loss of advertising material due to vandalism or theft during the election period.

Reuse of advertising material produced or used in a previous election

A candidate’s advertising material must be remitted to the RCM at the end of the candidate’s authorization, as provided in section 498 of the *Act*.

In the event the RCM does not wish to store the advertising material remitted to it at the end of the authorizations, the candidates may retain it for storage, but **the RCM remains their owner**. The candidates therefore must pay the municipality accordingly if they decide to reuse the advertising material for a new election.

The price of the material shall be billed to the official agent at the current market price at the time of its reuse for similar material. This price then will be divided by the number of elections in which it was used.

If you find yourself in this situation, communicate with a political financing coordinator (see contact information in the introduction of this guide) or see Directive **D-M-20** to obtain more details.

Use of information and communications technology (ICT)

Concerning the advertising implemented by using ICT, the *Act to establish a legal framework for information technology* (CQLR, c-1.1) stipulates that the legal value of a document is neither increased or reduced by the sole reason that any medium or technology was chosen in particular. This means that the advertisements posted on a website or any other media must be identified in accordance with the AERM.

For websites, the name of the official agent and the title “official agent” must be indicated on the home page.

Election posters and billboards

(S. 285.1 to 285.9)

The AERM includes a series of provisions relating to election posters. It states that election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school service centres.

Election posters may also be placed on public utility poles. However, election posters placed on public utility poles must not be affixed with nails or metal fasteners and must not contain any metal or wood reinforcement.

No election poster or billboard may be placed on a monument, sculpture, tree, fire hydrant, bridge, viaduct or electrical tower or the right of way of a public road that is contiguous to a residential immovable. No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case compliance with the applicable rules is required.

Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.

All election posters and billboards must be removed not later than 15 days after polling day, failing which they may be removed by the RCM or by the owner of the property or poles at the expense of the candidate they promote. Election posters and billboards in an election period are therefore subject to certain restrictions set out in sections 285.1 to 285.9 of the AERM.

3.4 Goods and services

→ Website, insurance, telephone, office supplies, leasing of furniture, office equipment or computer software, stamps, wages paid, interest on loans, etc.

Website

The costs of programming, hosting, production and maintenance of your website must be accounted for.

Only the number of days of the election period during which the website was accessible online must be charged to election expenses. For example:

$$\text{All the costs related to going live with the website} \times \frac{\text{Number of days during the election period (45 days)}}{\text{Total duration when the website is live}}$$

Vouchers to file

- The proofs of payment of all facets of the expense
- A detailed invoice for each of the services that helped to make your website available online, including the duration the site is live

Insurance

If you lease premises, it is possible that a liability insurance will be contracted. You must allocate to the election expenses the cost of insurance for the period covered, according to the notion of expense at minimum cost. An expense at minimum cost is characterized by the fact that the cost of such goods or services remain invariable, even though the period for which the goods or services are obtained exceeds the election period.

Vouchers to file

- The proof of payment of the expense
- The policy indicating the cost and the period covered and the description of the coverage

Telephone

You must account for the costs of installation, service and long-distance calls.

Installation costs

Because the installation costs are the same for a given type of equipment, regardless of the time when this installation was done, the totality of the expense is considered and accepted as an election expense.

These costs will be prorated only if the equipment installed before the election period did not correspond to the equipment used in the election period.

Service costs

If the use begins before the election period and continues during that period, and the service is cancelled the day after polling day, the official agent must account for the service costs according to the duration of use during the election period relative to the total duration of use before and during this period.

Example: a telephone was installed 10 days before the election period. The billing of the service begins upon installation, up to polling day.

The service costs of the first account constituting election expenses must be calculated according to the period of use in the election period relative to the entire billing period of the account, e.g.:

Assumption:

Date of installation:	April 1
Start of the election period	April 10
Billing period	April 1 to 30

$$\text{Service costs} \quad \times \quad \frac{21 \text{ days}}{30 \text{ days}}$$

Costs of long-distance calls

Only the costs of long-distance calls made during the election period are allocated to election expenses.

Supporting documents to produce

- The proof of payment of the expense
- The summary of the account and the appendices, namely the details of the communications billed and the other charges or credits. If a summary contains a carry-forward of a previous account, you must provide the account where the details of this carry-forward appear.

Equipment leasing

For this type of expense, the cost of leasing for the election period only must be allocated to election expenses. The election expense then is calculated as follows:

$$\text{Leasing cost} \quad \times \quad \frac{\text{Number of days during the election period (51 days)}}{\text{Total leasing period}}$$

Vouchers to Produce

- The proof of payment of the expense.
- A detailed invoice specifying, in particular:
 - The leasing period;
 - The unit cost or the rate;
 - The total amount of the expense;
 - The description of the leased goods.

Durable goods

Durable goods eligible as election expenses can be defined as goods acquired and used in an election period, but with a normal useful life beyond said election period. Such goods may include office equipment (computer, fax machine, cell phone, etc.), furniture (tables, chairs, etc.) or clothing.

When durable goods are accounted for in the return of election expenses, the official agent must declare the lowest of the following amounts as election expenses:

- The amount representing 50% of the acquisition cost of the goods;
- The estimated leasing cost of similar goods used for the same specified period.

The estimated leasing cost of similar goods is established according to the lowest retail price for which such goods are offered to the public in the normal course of business, depending on the market in the region and the period when they are supplied for election purposes. The discrepancy between the amount paid and the amount declared as election expenses must be included in the section “Amounts Not Included in Election Expenses”.

Disposal of durable goods

After the election, at the end of the candidate's authorization, the official representative and official agent must remit the remaining goods to the RCM. The official representative and official agent may also decide to dispose of them at a reasonable price. At that time, the official representative and official agent must deposit the money resulting from this sale in the election fund. This money may be used to repay a loan, if applicable, or must be remitted to the secretary-treasurer of the RCM in case of a surplus.

You will find all the relevant information concerning durable goods and their disposal in Directive **D-M-23**.

Interest on loan

(S. 453(7))

When a loan has been contracted to supply your election fund, the interest accrued from the date of the loan in the election period to the date of remittance of the report (without exceeding 90 days after polling day) may or may not be considered as election expenses. The choice is up to the official agent. If you consider them as an election expense, they will impact your limit on election expenses, and you must:

- Enter the interest paid in the return of election expenses as election expenses in the "Goods and Services" column;
- Have paid them from your election fund before submitting your report.

If you do not wish to consider them as election expenses, you must enter them in the column "Amounts Not Included in Election Expenses".

Vouchers to file

- A copy of the loan agreement and the account statement from the financial institution or an invoice from the elector who granted the loan, providing the details of the interest (rate, period, amount)
- Proof of this payment

Service charges for the account opened in a financial institution

The service charges paid for the administration of your election fund may be considered election expenses or not, following the same conditions as interests on loans.

Paid work

For any paid work, you must attach to the return a signed and dated receipt indicating the worker's name and address, the details of the days and hours worked, the hourly, daily or weekly rate, a description of the work performed, the total amount paid and the proof of payment.

Volunteer work

(S. 428(1) and 461)

A person may provide, without pay, personal services and use of a personal vehicle, as long as this person does so freely and not in the context of work in the service of an employer. Volunteer work is therefore work performed by an individual personally, voluntarily and for no consideration.

Personally: work performed **personally** means work performed by a natural person, who may or may not be qualified as an elector, because volunteer work is not considered a contribution.

Voluntarily: work performed **voluntarily** means work performed freely and without compulsion, for which there would be no penalty or other reprisals on the part of the employer or anyone if the person decided not to accomplish the work.

For no consideration: work performed for **no consideration** means work for which the person concerned does not receive, directly or indirectly, any compensation or monetary or tangible benefit from a candidate, the person's employer or anyone.

It is necessary to distinguish two categories of persons who may perform volunteer work, namely a person who is not self-employed or a person who is self-employed.

Volunteer work by a person who is not self-employed

A person who holds a job and who wishes to perform volunteer work must render the services in question during their leisure time or vacation.

This person could also render these services at any other time, on condition that they fulfill their usual responsibilities for their employer, without claiming compensation for overtime, for example. If this person is granted leave by the employer during regular working hours to work for a candidate, the hours or days thus worked must be deducted from the bank of leave to which this person is entitled.

Please note that the use of equipment belonging to an employer (truck, computer hardware, etc.) must be billed by the employer to the official agent. The labour may be free of charge, but not the equipment belonging to an organization.

If an employee works for your candidate's campaign during their regular or normal working hours and receives full wages from their employer without deduction of hours or days corresponding to their bank of leave, this would not be volunteer work, but rather a contribution by the employee's employer. **Such a contribution could be illegal (see s. 47, 427, 429 and 431 of the AERM).**

Volunteer work by a person who is self-employed

In the case of work by a person who may dispose of personal time or a person who is self-employed or who owns a business, the volunteer work then may be performed at any time, it being understood that the work performed by this person for political purposes must result either in a loss of compensation or a recovery of professional time lost without additional compensation.

Personal expenses of a candidate

(S. 454)

A candidate's personal expenses may be considered an election expense or not. The choice is up to the candidate and the official agent.

In the election context, the characteristics of a candidate's personal expense are as follows:

- An expense incurred to promote the candidate's election directly or indirectly;
- An expense related to the candidate personally or a member of the candidate's immediate family (spouse and children);
- An expense for transportation, food, clothing, childcare, hairdressing, etc.
- An expense that may not include any advertising.

When a candidate's personal expense is considered an election expense, it must be recorded in the return of election expenses. The candidate must provide you with the invoices or other vouchers, as well as the proofs of payment, and you must attach them to your return and pay them from the election fund.

Officially, the official agent is not bound to reimburse a personal expense incurred by a candidate, particularly when the official agent has incurred or authorized election expenses that reach the permitted limit. In those circumstances, it is strongly recommended that any official agent agree with the candidate at the beginning of the election period to set aside a certain amount for the reimbursement of the candidate's personal expenses.

Lastly, the use of some of your personal property (computer, printer) does not have to be accounted for in election expenses. However, if additional expenses are invoiced to you for your personal services, such as residential phone, cell phone or Internet service, and these expenses are related to your candidate's campaign, it is possible to consider these additional expenses as election expenses.

3.5 Leasing of premises

→ **Commercial premises, school classroom, church basement, private residence, etc.**

Recording the Expense

(S. 45 x2)

For this type of expense, you may only allocate to election expenses the cost of leasing for the election period.

The calculation is done as follows:

$$\text{Leasing cost} \quad \times \quad \frac{\text{Number of days during the election period (51 days)}}{\text{Term of the lease or rental}}$$

Vouchers to produce

- The invoice and proof of payment of the expense.
- The commercial lease or a home-made lease (a template is offered on the extranet).

If you use the basement or a room of a private residence as an election office, you must assess its value, which must be reported as an election expense. The amount assessed at the current market price must be paid to the owner of the residence or be considered as a contribution. You may use the lease template proposed by Élections Québec. However, the room of a private residence must really be an election office.

This room must be a place used for election purposes by the candidate and the candidate's team. If you lease commercial premises, you must sign a commercial lease. The Élections Québec lease may not be used in this context.

Concerning private residences used for tallying purposes on voting days (satellite houses), you must enter an amount corresponding to the current market price in your return of election expenses, in order to comply with section 451 of the AERM.

Good and services used in an election campaign office

All the goods and services used in an election office must be paid for and recorded in the return of election expenses. It must therefore be understood that they may not be supplied free of charge and that the owners of these goods must be paid by the official agent at the current market price. For example, the chairs, desks, computers or phones supplied by a volunteer must be valued, and this volunteer will receive a cheque drawn on the election fund so that these items are accounted for in the return. However, volunteers may provide such goods as a contribution, but without exceeding the limit stated in s. 431 of the AERM.

3.6 Travel and meals

→ **Fuel, amount allocated per kilometre, bus tickets, meal expenses, etc.**

In this expense category, you must include all the transportation and meal expenses authorized and paid by the official agent during the election period.

Note that any person's travel and meal expenses may or may not be considered an election expense. The choice is up to the official agent. If they are considered an election expense, they must be reasonable, supported by relevant vouchers, paid from the election fund and recorded in the return of election expenses (s. 453(4) and 454).

Moreover, the claimant may request to be reimbursed on the basis of a daily indemnity, according to a maximum amount allocated per kilometre, which may not exceed the amount established by the RCM and subject to acceptance by the official agent. Otherwise, the claimant must supply relevant vouchers, such as fuel receipts, taxi coupons, etc.

However, meal expenses may be reimbursed on the basis of daily indemnities only on advance voting days and polling day. At any other time, the claimant must provide relevant vouchers, such as restaurant invoices and receipts.

In Directive **D-M-17**, you will find the method of processing daily indemnities for transportation expenses and certain meal expenses reimbursed for the election period. Moreover, the vouchers to be produced are described in this directive, and a reimbursement claim template for transportation and meal expenses can be found on the extranet.

Meals prepared by a volunteer

in the case of meals prepared by a volunteer, only the cost of the food purchased must be recorded in the return of election expenses.

If a meal is served after the closing of the polling stations on polling day, this meal and all the related expenses may not be considered an election expense, because they are used after the election period. Moreover, if these expenses are paid with the election fund, they may not be used to increase your debt.

Vouchers to produce

- The grocery bill (cost of the food purchased).
- The bill for the personal products used by the volunteer.

3.7 Petty cash

Certain election expenses may be paid with petty cash, on the following conditions:

- Petty cash must be constituted with the official agent's authorization.
- It must only be used to pay in cash for minor expenses (\$20 and less).
- Any amount intended to create or supply petty cash must be drawn on the official agent's election fund by means of a cheque indicating "Petty cash".
- At all times, the total money and invoices paid must correspond to the authorized petty cash amount.

The designated manager of the petty cash may proceed with a request for reimbursement (replenishment) corresponding to the disbursements made, attaching to the request the invoices paid and the other necessary vouchers.

When a person ceases to be responsible for the management of the petty cash, they must reconcile it and remit you the leftover money with all the invoices and vouchers. A petty cash template is offered on your extranet.

Vouchers to file

- The invoices paid
- The cheques or other proofs of payment that served to replenish the petty cash
- A statement indicating the details of all the expenses paid with petty cash

At the end of the election period, the leftover money in the petty cash will be deposited in the election fund. You will indicate the date of the deposit on the petty cash statement.

Petty cash statement of _____				
Official agent				
Date	N°	Suppliers	Description	Amount
	1	F. Pilon	Supplies	\$19.10
	2	Van Houtte	Coffee	\$4.15
	3	Taxi Réal	Taxi	\$8.40
Total:				\$31.65
Balance deposited in the election fund on _____				\$68.35
Total:				\$100.00



4 Reports and returns

Depending on the time the authorized independent candidate was authorized and that candidate's financial position, several reports and returns will need to be filed to cover all revenues and expenditures related to the candidate's authorization. The official representative and official agent must retain a copy of the reports and returns and the vouchers for a period of seven years.

4.1 Report to file before polling day

Financial report of an authorized elector

(S. 483.1)

When an elector who undertakes to run as an independent candidate obtains their authorization in the year **preceding** the year of the general election, their official representative, not later than April 1 of the election year, shall send the secretary-treasurer the financial report of an authorized elector according to the directive prescribed by the DGEQ (**D-M-33**). This report must cover the period from the beginning of the authorization to December 31 of the year preceding the election and must be accompanied by, among other things, a copy of each receipt issued for the contributions collected during that same period.

To be admissible, the sections "Signature and declaration of the official representative" and "Signature and declaration of the authorized independent candidate" must be signed.

4.2 Reports to file after polling day

Report on the payment of an advance

→ The report on the payment of an advance is optional. However, we strongly recommend you file it to quickly receive a partial reimbursement of your election expenses.

Any official agent of an independent candidate who is entitled to receive matching revenues or who qualifies for the reimbursement of election expenses may send a report on the payment of an advance to the secretary-treasurer of the RCM, on or after the fifth day after polling day (DGE-1045). This report must mention, among other things, the amount of the contributions received and the election expenses for which invoices were received. Also, the official agent and official representative must sign a declaration attesting to the accuracy of the report. The contribution receipts issued since the last report filed on behalf of the independent candidate must also accompany the report in order for the advance to be paid.

Reports of an authorized independent candidate

(S. 479 to 487)

→ As official representative and official agent of an authorized independent candidate, you must, within 90 days after polling day, send to the secretary-treasurer of the RCM the reports of the authorized independent candidate according to the formula prescribed by the Chief Electoral Officer (**D-M-15**).

These reports consist of a financial report and a return of election expenses. To be admissible, the sections “Signature and declaration of the official representative and agent” and “Signature and declaration of the authorized independent candidate” must be signed.

An electronic version of the reports to be filed is available. Access to these reports will be protected by a secure access code and a password that will be provided to you in a letter sent by the Direction du financement politique of Élections Québec.

The reports you file must make it possible to trace your financing and understand where it comes from and the purposes it served, i.e. which expenses it paid. All receipts and all disbursements must be found in the reports of the authorized independent candidate, with the goal of ensuring that you complied with the AERM.

Contents of the financial report

(S. 479 to 487)

The financial report primarily describes your receipts. It specifies where your financing comes from:

1. Contributions of more than \$50 (fill in Section 1);
2. Contribution of \$50 or less;
3. Sums collected during political activities (fill in Section 3 and provide the form stipulated in Directive **D-M-26**);
4. Subsidiary revenues (collected during political activities);
5. Loans (fill in Section 2 and a loan agreement specifying the terms of the contract);
6. Other receipts.

This report also includes the expenses, making it possible to determine whether the receipts are equal to the disbursements (line 15: Cash on hand at the end of the period) or whether there is a surplus.

→ **IN NO CASE MAY YOU PRESENT A NEGATIVE REPORT.**

If, at the time you send your report, the amount of your expenses exceeds the amount of your receipts, you must regularize the situation with contributions or a loan agreement.

Contents of the return of election expenses

(S. 492 to 494)

The return of election expenses offers a detailed look at all the expenses incurred. It allows you to allocate amounts according to one of the expense categories, as well as the portion of the expenses you paid from your election fund, but which are not included in the election expenses.

A portion of the return also serves to indicate the names and addresses of the creditors who omitted to make their claim no later than the 60th day after polling day, as well as the amount of the debt, the nature of the expense and the date of the claim, if it is known. The return of election expenses must also include the claims you are contesting among those you received no later than the 60th day after polling day.

Additional financial reports

(S. 474 and 485)

The official representative of an authorized independent candidate must file one or more financial reports in addition to that of the secretary-treasurer if, after the filing of the reports of the authorized independent candidate:

- The candidate still has unpaid debts contracted during their authorization (balance on a loan or loans or unpaid claims);

or

- The official representative holds the goods or sums that remain in their candidate's election fund.

If you find yourself in this situation, the secretary-treasurer of the RCM will send you a notice to file this report and the necessary documents (form DGE-1040 and instructions for completing such a report) so that you can file an additional financial report annually and repay all of your debts no later than December 31 of the second year after polling day. For this report to be admissible, the sections "Signature and declaration of the official representative" and "Signature and declaration of the authorized independent candidate" must be signed.

4.3 Documents that must accompany the reports

Financial report

- The bank statements
- The deposit slips
- The copies of the contribution receipts you have not already sent with your Report on the payment of an advance and, if they are available, the copies of the deposited contribution cheques
- The loan agreement
- The contract of suretyship
- The form included in Directive **D-M-26** for any political activity held
- The canvassing certificates you issued, accompanied by the list of canvassers
- The signed declaration of the independent candidate
- The signed declaration of the official representative
- Any other relevant proof mentioned in this guide

Return of election expenses

- The original invoices
- The front sides of the cheques (originals or scanned) or proofs of payment by credit card, debit card or funds transfer
- The petty cash statement
- A copy of all advertising
- The authorization of the advertising agency, if any, accompanied by the detailed statement of its expenses and the subcontractors' invoices
- The reimbursement claim for transportation and meal expenses
- The signed declaration of the independent candidate
- The signed declaration of the official agent
- Any other relevant proof mentioned in this guide

Additional financial report

- The bank statements
- The copies of the contribution receipts issued during the period covered by the report and, if they are available, the copies of the deposited contribution cheques
- The form included in Directive **D-M-26** for any political activity held
- The canvassing certificates you issued, accompanied by the list of canvassers
- The proof of repayment of the debt or proof of remittance of the surplus to the RCM
- The proof of closing of the bank account if the debt has been repaid or if the surplus has been remitted
- The signed declaration of the independent candidate
- The declaration of the official representative
- Any other relevant proof mentioned in this guide

4.4 Correction of a report or return

(S. 507)

Any report or return, up to the deadline provided for its transmission, may be corrected directly with the secretary-treasurer when an error is recognized.

After that date, the authorized independent candidate must obtain permission from the Chief Electoral Officer to correct this error by proving it was made inadvertently. For this purpose, the authorized independent candidate must use the letter template found on the extranet of that candidate's official representative and official agent.

Upon receipt of a request to amend a report, the Chief Electoral Officer sends a copy of the request to the opposing parties or authorized independent candidates informing them that they have 10 days to declare their opposition. If there is no opposition or if the Chief Electoral Officer considers the opposition unfounded, the Chief Electoral Officer allows the candidate to make the correction. Otherwise, the authorized independent candidate must apply for permission to the judge who has jurisdiction.

4.5 Closing the election fund

The election fund —under the responsibility of the official representative and official agent of an authorized independent candidate— must remain open as long as all the debts have not been paid and all the surpluses have not been remitted to the RCM. You must also ensure that all outstanding cheques or transfers have been deposited. A report stating the payment of the debts or the remittance of the surpluses must be sent to the secretary-treasurer of the RCM.

4.6 Accessibility and publication of a return

(S. 90.6, 499, 501 and 659)

The information contained in the returns of an authorized independent candidate and the documents prescribed by the AERM is public effective from the filing deadline, except for contribution receipts of \$50 or less. Any person may examine the returns and documents produced by contacting the secretary-treasurer of the RCM.

The secretary-treasurer publishes a summary of the returns of election expenses in a newspaper distributed within the boundaries of the RCM within 30 days after the expiry of the deadline for their filing.

The originals of the returns are retained permanently by the secretary-treasurer of the RCM. However, at the expiry of a period of seven years after their receipt, the secretary-treasurer of the RCM may, on request, return to the authorized independent candidate that candidate's invoices and other vouchers. If there is no such a request, the secretary-treasurer may destroy them.



5 Criminal penalties and other penalties

An offence is committed as soon as a section of the *Act* is not respected. The AERM contains many penal provisions under which prosecutions may be instituted. Prosecutions may be instituted against official representatives, official agents or candidates.

Here is a summary of the main offences and penalties set out in the AERM:

- Failure to file a report or return within the time prescribed renders you liable to a fine of \$50 for each late day (s. 626 and 642). This delay also has impacts for the candidate, whether elected or not, because it renders the candidate ineligible to run in subsequent elections as long as the report or return is not filed (s. 64).

In the case of an elected candidate, this delay will also cause that candidate, effective from the 10th day after the deadline expires, to lose the right to attend as a member the sittings of the council of the RCM as long as this report or return has not been filed (s. 503).

However, on an application made before the person loses the right to attend sittings, a judge may allow the person to continue to sit for an additional period of not more than 30 days (s. 505).

- The official representative and official agent commits an offence and is liable to a fine of \$1000 to \$10 000 when they (s. 640):
 - File a false report or return (s. 597);
 - File an invoice, a receipt or another voucher that is incomplete, false or falsified (s. 597);
 - Pay a claim otherwise than as permitted in section 473 (s. 596 (2)).

- An official agent commits an offence when they do not respect the permitted limit on election expenses (s. 595) and is liable to a fine of \$1000 to \$10 000 (s. 640).

These offences also constitute a corrupt electoral practice, which results, in particular, in the loss of the right to vote and prevents the person from engaging in partisan work, acting as an official representative and official agent of an authorized entity, acting as a member of the election staff and running as a candidate in an election for a period of five years (s. 645).

- An elector who makes a contribution of more than \$50 that is not made in accordance with section 436 (s. 612.1) commits an offence and is liable to a fine of \$500 to \$10 000 (s. 641).
- Also, an offence is committed (s. 610) by:
 - Every person not qualified as an elector who makes a contribution to an authorized entity and every person that exceeds the maximum sum for a contribution;
 - Every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;
 - Every elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way, and this person is liable (s. 641.1):
- In the case of a natural person, to a fine of \$5000 to \$20 000 for a first offence and \$10 000 to \$30 000 for any repeat offence in 10 years
- In the case of a legal person, to a fine of \$10 000 to \$50 000 for a first offence and \$50 000 to \$200 000 for any repeat offence in 10 years

These offences also constitute a corrupt electoral practice (s. 645).

- Any person who solicits or collects contributions, contracts a loan or incurs an expense other than an election expense for an authorized independent candidate without being that candidate's official representative is liable to a fine of \$500 to \$10 000 (s. 611, 617 and 641).

In accordance with section 648.1 of the AERM, any information relating to any penal prosecution instituted by the Chief Electoral Officer and any conviction related to the offences enumerated in sections 610 (2) (3) (4) and 610.1 (2) of the *Act respecting elections and referendums in municipalities* will be sent to the Associate Commissioners for Audits of the Unité permanente anticorruption (UPAC) and the Secrétariat du Conseil du trésor for appropriate treatment under the *Act respecting contracting by public bodies*.

Therefore, this means staying vigilant and ensuring compliance with the *Act*. In case of doubt, do not hesitate to communicate with your secretary-treasurer or with a coordinator of the Direction du financement politique.

We strongly urge you to become familiar with sections 64, 503 to 512 and 595 to 645 of the AERM.

Request for inquiry

(S. 90.1)

The *Act* provides that the Chief Electoral Officer may, of his own initiative or at the request of a person, inquire into the legality of expenses, loans, contributions and election expenses of a party or an authorized independent candidate. Although the *Act* does not prescribe the use of any form, it is recommended to use the template proposed on the extranet to formulate a request to the Chief Electoral Officer for an inquiry.

It is also possible for you to report a situation regarding financing through our tip line on political financing.

Call us at 1-855-644-9529 or 418-644-9529,

Monday to Friday from 8:30 a.m. to noon and from 1 p.m. to 4:30 p.m.

The information received is treated with complete confidentiality and security. Also, if you wish, you may remain anonymous.