



Payment of a contribution by credit card

Reference : *Act respecting elections and referendums in municipalities*
(CQLR, chapter E-2.2), chapter XIII, sections 427 to 440, 483, 499.4 to 499.9 and 499.16

PURPOSE

List all the information required when making the payment of a contribution by credit card.

RESPONSIBILITY OF THE OFFICIAL REPRESENTATIVE AND THE FINANCIAL REPRESENTATIVE IN THE CASE OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

Any solicitation for contributions must be made under the responsibility of the official representative of an authorized entity or the financial representative of a party leadership candidate and by duly designated canvassers.

The official representative or financial representative is responsible for ensuring that the contributions received are lawful and are compliant with this directive and shall do this by implementing adequate control procedures.

A. Contributions collected via a transactional website

In order to collect contributions via a transactional website, the official representative of an authorized entity or the financial representative of a party leadership candidate must ensure that the form designed complies with this directive.

Élections Québec must authorize this type of form before it can be used. It must also approve any subsequent changes, however minor.

We strongly suggest that you contact a political financing coordinator at Élections Québec so that he or she can guide you at the beginning of your work.

The form must include the consent and electronic signature of the elector. Once the transaction is completed, the elector must receive a confirmation of the transaction.

CONTENT OF THE FORM

Please note that the completeness of the information requested from the contributor, marked with an asterisk (*) is mandatory. However, the Web form for the payment of a contribution by credit card must allow for obtaining and presenting the following information :

- Name at birth *
- First name *
- Full address of domicile *
(building number, street, apartment, city and postal code)
- Address justifying qualification as an elector (if different from the address of the domicile)
(if the elector is the owner of a lot to which no address has been attributed, the lot number may be entered)
- Date of birth (MM/DD/YYYY)
- Telephone number
- Email address *
(which must be entered into two fields (« Email address »and « Email address confirmation »))
- Name of employer
(at the time the contribution was paid)
- Amount of the contribution *
(the form must specify to the elector the maximum amount permitted by the *Act respecting elections and referendums in municipalities* (AERM), set out in section 431 or 499.7 as the case may be)
- Transaction date *
- The last four digits of the credit card number used to make the contribution and expiration date of the card *
- Name on credit card *
- The name of the company that issued the card (e.g., Visa)
- A check box allowing the person to specify whether he or she is a candidate in an election taking place during the year (if applicable, the election date must be indicated)
- A check box that must be selected by the contributor if he or she has given the municipality a valid power of attorney under section 429.1 of the AERM allowing him or her to make the contribution
(if he or she is an undivided co-owner of an immovable or co-occupant of a business establishment)
- Name of canvasser
(if no official canvassing occurred, enter « No canvasser »)

One section of the form must contain the following information :

- The elector who makes a contribution must be a qualified elector.
- Electors must make their contribution themselves, voluntarily, out of their own property and pay any balance owing on their credit card in respect of the contribution.
- The contribution amount cannot be the subject of a reimbursement or any compensation or consideration whatsoever by a third party.
- The elector must be one of the cardholders. He or she may not use the credit card of a legal person (company, union, trust, etc.) to make a contribution.

ELECTRONIC DECLARATION

When an authorized entity uses a website to receive contributions by credit card, it must meet certain conditions in order to comply with sections 47, 429, 429.1, 430, 434 and 436 of the AERM. In the case of a political party leadership campaign, the leadership candidate must also comply with sections 499.7 and 499.8.

In particular, the entity must ensure that the contributor meets the following six conditions: The website must make reference to sections 47, 429, 429.1, 430, 434 and 436 AERM so that the contributor can consult them when making his or her contribution. In the case of a political party leadership campaign, the website must also make reference to sections 499.7 and 499.8.

The following is the required form of the electronic declaration :

To be able to make a contribution to an authorized political entity, you must qualify as an elector (section 47) within the meaning of the *Act respecting elections and referendums in municipalities*. You must make your payment yourself in accordance with the legal requirements the website must also make reference to sections 499.7 and 499.8.

Fields marked with an * are mandatory.

I'm a qualified elector*

I have read the legal requirements*

I declare that my contribution :

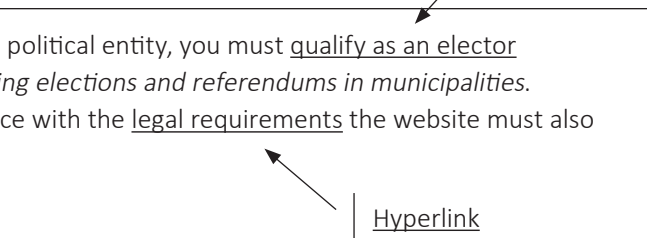
is made from my own property*

is made voluntarily*

is made without compensation and for no consideration*

has not been and will not be reimbursed in any way.

This electronic signature replaces the elector's declaration (section 434).



At the request of the Chief Electoral Officer, the official representative or the financial representative shall be given the opportunity, at any time, to print the electronic declaration of any person who has made a contribution.

ELECTOR'S CONSENT

The Web form must contain a separate section, dated and signed by the elector, in which the latter agrees that the credit card company may, for a seven-year period (7), provide the Chief Electoral Officer and the official representative of the authorized entity or the financial representative of the party leadership candidate with all information relating to the credit card, so that the Chief Electoral Officer can verify the authenticity of the information provided and compliance with the rules on political financing.

Under the *Act respecting the protection of personal information in the private sector*, this consent must be manifest, free and enlightened and given for a specific purpose.

CONFIRMATION OF THE TRANSACTION (payment form)

Once payment is made, the contributor and the authorized entity must receive confirmation of the transaction, which includes a unique number, by email. This confirmation must include the following information :

- All information entered in the online contribution form
- The electronic declaration
- The elector's consent
- The credit card payment information.

This confirmation does not replace the issuance of the official contribution receipt. This receipt must be completed (apart from the signature) and given to the contributor. The electronic confirmation of the transaction (payment form) must be stapled to the copy of the contribution receipt for the Chief Electoral Officer. These two documents must be sent to Élections Québec according to the usual procedures (D-M-5).

SAVING DOCUMENTS AND VERIFICATION

The official representative of an authorized entity or the financial representative of a party leadership candidate must, for a seven-year period following the date of transmission of his or her financial report, save all supporting documents to allow for verifying the compliance with the provisions of the AERM.

The supporting documents related to the online payment of contributions by credit card via a website include :

- The email confirming the transaction (unique confirmation number)
- The contribution receipt

All these documents must be available at all times and provided to the Chief Electoral Officer upon request.

For the contribution to be accepted, all the requirements prescribed in this directive must be complied with.

In addition, it is desirable that the IP address of the computer from which an elector made a transaction and the transaction number be retained by the official representative or the financial representative for verification by the Chief Electoral Officer.

B. Credit card contributions received other than online via a website.

When the official representative or financial representative collects a contribution by credit card using a means other than a transactional website (for example, through a point-of-sale [POS] terminal), the official representative or financial representative must complete an official contribution receipt and have the contributor sign it.

He or she must also keep the proof of payment by credit card (for example, the POS transaction slip).

Élections Québec must first authorize the use of all transactional platforms. We strongly advise you to contact a political financing coordinator at Élections Québec so that he or she can guide you at the beginning of your acquisition or rental process.

ELECTOR'S CONSENT

During a transaction, the official representative, the financial representative or the canvasser must ensure that the contributor completes and signs the « Elector's Consent » document. This document must indicate that the elector consents to the credit card company may, for a seven-year period, disclose to the Chief Electoral Officer and to the official representative of the authorized entity or the financial representative of the party leadership candidate all information relating to his or her credit card, so that the Chief Electoral Officer can verify the authenticity of the information provided and compliance with the rules on political financing. This document must also include the first and last name of the cardholder, the last four (4) digits of the credit card number as well as the receipt number of this contribution.

Under the *Act respecting the protection of personal information in the private sector*, this consent must be manifest, free, informed and given for specific purposes. A template is provided in Appendix I.

This consent must be stapled to the copy of the contribution receipt for the Chief Electoral Officer. These two documents must be sent to Élections Québec according to the usual procedures (D-M-5).

TRANSACTION CONFIRMATION

Once payment has been made, the official representative, financial representative or canvasser must provide a transaction confirmation, which includes a unique number, to the contributor. This confirmation must include the following information :

- The name of the merchant (the political entity)
- The type of card (Visa, MasterCard, American Express)
- The card number (the last four (4) digits)
- The authorization number
- The transaction status (e.g., approved)
- The type of transaction (e.g., purchase)
- The expiration date of the card
- The transaction date
- The transaction amount

TRANSACTION REPORT

The banking service provider must make a transaction report available to the political entity. This report must contain the following information :

- The name of the merchant (the political entity)
- The type of card (Visa, MasterCard, American Express)
- The card number (the last four (4) digits)
- The authorization number
- The type of transaction (e.g., purchase)
- The transaction date
- The transaction amount
- The transit, the institution number and the merchant's account number (the political entity)

SAVING DOCUMENTS AND VERIFICATION

The official representative of an authorized entity or the financial representative of a party leadership candidate must keep, for a seven-year period (7) following the date of transmission of his or her financial report, the following supporting documents :

- The contribution receipt
- The elector's consent
- The proof of payment by credit card
- The transaction reports provided by the service provider

All these documents must be available at all times and provided to the Chief Electoral Officer upon request. For the contribution to be accepted, all the requirements prescribed in this directive must be complied with.

PENAL PROVISIONS (attributable to this entire directive)

Under section 610 (4°) AERM, the elector who falsely declares that his or her contribution is being made out of his or her own property, voluntarily, without compensation and for no consideration, and that he or she has neither been nor will be reimbursed in any way is guilty of an offence. This person is liable, under section 641.1 of the AERM, to a fine of \$5,000 to \$20,000 for a first offence, in the case of a natural person, and to a fine of \$10,000 to \$30,000 in the case of a repeat offence within the following ten (10) years. This offence constitutes a corrupt electoral practice, which results in the elector losing his or her election rights for a period of five (5) years under section 645 of the AERM.

APPENDIX I

Electors consent template for credit card payments made on a platform other than a website

ELECTOR'S CONSENT

Name and surname of the person holding the credit card : _____

Last four (4) digits of the credit card number : [] [] [] []

Contribution receipt number : V- [] [] [] [] [] [] [] []

The contributor must be one of the cardholders. He or she may not use the credit card of a legal person (company, union, trust, etc.) to make a contribution.

I consent, for a 7-year period from the date of my signature, to the financial institution concerned or my credit card issuer communicating, to Élections Québec and to the official representative of the authorized entity or to the financial representative of the candidate in a party leadership, the authorized entity to which my contribution is intended, all information relating to this card, so that the Chief Electoral Officer may verify the authenticity of the information provided and compliance with the rules on political financing.

The elector's signature :

Date :