

## 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

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### PURPOSE

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

### RESPONSIBILITY OF THE OFFICIAL REPRESENTATIVE OR 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 political 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 on a transactional website

In order to collect contributions on a transactional website, the official representative of an authorized political 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 recommend that you contact an Élections Québec political financing coordinator, who will be able to guide you from start to finish.

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

## CONTENT OF THE FORM

The information requested from the contributor that is marked with an asterisk (\*) is mandatory. The web form for the payment of a contribution by credit card must allow for obtaining and presenting the following information:

- Surname at birth \*
- Given name \*
- Full address of domicile \*  
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 (YYYY-MM-DD)
- Telephone number
- Email address \*  
The contributor must enter this address in 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 the maximum amount permitted by the *Act respecting elections and referendums in municipalities* (AERM), which is 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 \*
- The name on the 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  
Where applicable, the election date must be indicated.
- A check box that must be selected by the contributor if they have given the municipality a valid power of attorney under section 429.1 of the AERM allowing them to make the contribution  
If they are an undivided co-owner of an immovable or co-occupant of a business establishment.
- Name of canvasser  
If no official canvassing occurred, enter « None. »

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, compensation or consideration by a third party.
- The elector must be one of the cardholders. They may not use the credit card of a legal person (company, union, trust, etc.) to make their contribution.

## ELECTRONIC DECLARATION

When an authorized political 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. During 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 of the AERM so that the contributor can consult them when making their contribution. In 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 (ss. 429, 429.1, 430, 434 and 436 of the Act as well as ss. 499.7 and 499.8 in a political party leadership campaign).

[Hyperlink](#)

[Hyperlink](#)

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 of the Act).

At the request of the Chief Electoral Officer, the official representative or the financial representative shall be able, 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 authorizes the credit card company to 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 for seven years, 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 political entity must receive confirmation of the transaction, including 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 without 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 political entity or the financial representative of a party leadership candidate must save all supporting documents to allow for verifying the compliance with the provisions of the AERM for seven years following the date of transmission of their financial report.

When the official representative receives contributions paid by credit card on a transactional website, they must provide the Chief Electoral Officer with the following supporting documents and keep a copy:

- The email confirming the transaction including a unique number (payment form)
- The contribution receipt

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

In addition, the official representative or financial representative should save the IP address of the computer from which an elector made a transaction and the transaction number, 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 without using 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.

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

Élections Québec must first authorize the use of any transactional platform. We recommend that you contact an Élections Québec political financing coordinator to guide you through the acquisition or leasing 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 confirm that the elector authorizes the credit card company to provide the Chief Electoral Officer and to the official representative of the authorized entity or the financial representative of the party leadership candidate with all information relating to their credit card for seven years, 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 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 (see Directive 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 digits)
- The authorization number
- The transaction status (e.g., approved)
- The type of transaction (e.g., purchase)
- The card's expiration date
- The transaction date
- The transaction amount

## TRANSACTION REPORT

The banking service provider must provide 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 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 seven years following the date of transmission of their 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

The elector's consent must be submitted at the same time as the contribution receipt. The other 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°) of the AERM, the 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 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 years. This offence constitutes a corrupt electoral practice, which results in the elector losing their election rights for a period of five 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

Given name and surname of the person holding the credit card : \_\_\_\_\_

Last four digits of the credit card number : |\_|\_|\_|\_|

Contribution receipt number : V- |\_|\_|\_|\_|\_|\_|\_|

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

I consent to the financial institution concerned or my credit card issuer communicating all information relating to this card to Élections Québec and to the official representative of the authorized entity or to the financial representative of the leadership candidate for a party to which my contribution is intended for seven years from the date of my signature. In this way, the Chief Electoral Officer will be able to verify the authenticity of the information provided and compliance with the rules governing political financing.

The elector's signature

Date