

Third-party partisan pre-election advertising expenses

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The interpretations presented in this guide do not take precedence over the provisions of the *Election Act* (CQLR, c. E-3.3) and are not intended to replace the official text of this Act. When interpreting or applying the Act, you should always refer to the text published by the Éditeur officiel du Québec, which is available at legisquebec.gouv.qc.ca. References to the provisions of the *Election Act* appear in parentheses in this guide.

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Introduction

Québec held its second fixed-date general election in 2022. This new context is encouraging companies and organizations, known as third parties, to incur partisan advertising expenses before the election period in the aim of influencing electors. New measures now regulate these expenses, notably to make them more transparent to the public.

The Act to amend the *Election Act* mainly to preserve the integrity of the electoral process (2025, c. 15), assented to on May 30, 2025, introduces new provisions in the *Election Act* (CQLR, c. E-3.3) regarding the disclosure of expenses for partisan advertising disseminated by third parties before the start of the election period. These amendments take effect on January 1, 2026.

This guide explains the rules requiring third parties to register with Élections Québec and to disclose their partisan pre-election advertising expenses in a report. All relevant documentation on this subject is available on the Élections Québec website.

If you have any questions about how these new provisions of the *Election Act* apply, do not hesitate to contact a political financing coordinator using the contact information below.

If you would like to know the rules governing third-party intervention during an election period, consult the *Guide to understanding the rules governing the control of election expenses* **DGE-259**, which is available on the Élections Québec website.

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1 Registering third parties

1.1 Definition

(s. 127.29)

A third party is any individual, legal person, business, association or group without a juridical personality that is not an authorized political entity and that does not act on behalf of such an entity. Members of the National Assembly (MNAs), candidates and nomination or leadership candidates are not third parties.

A third party is an actor seeking to influence electors or the course of public debate in various ways, notably through advertising, by disseminating political messages or supporting issues or ideas.

1.2 Registering with the Chief Electoral Officer

(ss. 127.30 to 127.32)

Third parties must register with the Chief Electoral Officer if they intend to disseminate partisan advertising **valued at more than \$1,000** during the pre-election period. Before disseminating such advertising, they must file a notice of intent with Élections Québec. The notice of intent can be filed up to three months before the start of the pre-election period.

If the total value of the third party's partisan pre-election advertising is \$1,000 or less during the entire pre-election period, they do not need to register with the Chief Electoral Officer.

Third parties can fill out a notice of intent and submit it to the Chief Electoral Officer online, on the Élections Québec website. Or they can fill out the form applicable to their situation and mail it to the address indicated in the introduction to this guide.

- Notice of intent – Pre-election expenses of a third-party – Group [DGE-732](#)
- Notice of intent – Pre-election expenses of a third party – Natural person [DGE-733](#)

The Chief Electoral Officer assigns an identification number to the third party upon accepting their notice of intent. The list of third parties registered for the pre-election period is posted on the Élections Québec website.

1.3 Naming a representative

(ss. 127.31, 127.34 and 127.36)

Third parties that are not a natural person must name a representative and indicate the name of their principal officer in the notice of intent. The representative is the person Élections Québec must contact for any matters related to the third party's partisan pre-election advertising expenses. The representative is responsible for submitting the *Report of third-party partisan pre-election advertising expenses* [DGE-731](#) in accordance with [Directive D-36](#).

The representative (or the third party himself or herself, if a natural person) is also responsible for updating the information provided in the notice of intent. Furthermore, if the representative resigns, is dismissed, is unable to act or dies, the third party's principal officer must notify the Chief Electoral Officer in writing without delay and name a replacement.

2 Partisan pre-election advertising expenses

2.1 Definition

(s. 127.30)

A third-party partisan pre-election advertising expense is an expense incurred for any advertisement that **directly** promotes or opposes the election of a candidate or a political party and is disseminated during the pre-election period.

An advertisement directly promotes or opposes the election of a candidate or a political party when it explicitly refers to the candidate, the political party or a specific element of the candidate or party's political program. This can be a direct mention, a representation or a distinct reference to a candidate or a party, for example by naming the candidate or party, identifying them by their logo or showing their photograph.

Therefore, expenses incurred to transmit messages on publicly debated issues do not constitute pre-election advertising expenses, unless the messages clearly refers to a specific element of a candidate or a party's political program. An advertisement by a third party that covers legislative bills, the examination of estimates of expenditure, the proceedings of parliamentary committees, the implementation of public policies by government departments or negotiations between the government and unions would therefore not be considered partisan pre-election advertising.

2.2 Pre-election period

(s. 127.28)

The pre-election period for third-party partisan advertising expenses begins on January 1 of the year in which a general election is held. It ends on the day on which the order instituting the election is issued.

If the Chief Electoral Officer notes that the election period for a provincial general election could overlap with the election period of a federal or municipal general election, the pre-election period for third parties will instead start on June 1 of the year preceding the provincial general election, subject to the application of section 129.1 of the *Election Act*.

2.3 Exceptions

(ss. 127.30 and 404 (1 to 3))

The *Election Act* provides for some exceptions to the notion of partisan pre-election advertising expenses. These exceptions concern the publication and dissemination of content by the media and are subject to certain conditions.

1. The cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper or other periodical does not constitute a pre-election expense if the following conditions are met:
 - The content is published in the newspaper or periodical without payment or reward, or the promise of payment or reward.
 - The newspaper or periodical was not created for the purposes of or with a view to the election.
 - The distribution and frequency of publication are determined in the same way as outside the pre-election period.
2. The cost of producing, promoting and distributing any book whose sale, at the prevailing market price, was planned regardless of the pre-election period does not constitute a pre-election expense if the cost complies with the usual market rules.
3. The cost of broadcasting a public affairs, news or commentary program on a radio or television station does not constitute a pre-election expense if done without payment or reward, or the promise of payment or reward.

The above exceptions also apply to digital equivalents of newspapers, periodicals, radio stations and television stations. For example, the production of podcasts and the online broadcast of video commentaries may fall under these exceptions.

2.4 Declaring pre-election advertising expenses

(s. 127.30)

All expenses incurred for the design, creation, production and distribution of partisan advertising disseminated during the pre-election period must be recorded.

If the third party used their own means or those of their officers to produce a pre-election advertisement, the value of the expenses incurred for this advertisement is assessed at the lowest market retail price in the region in which and at the time in which equivalent services would be offered to the public during the normal course of business.

2.5 Means of dissemination

(s. 127.30)

When a partisan pre-election advertisement is disseminated, the related costs must be recorded.

Here are examples of the dissemination of partisan pre-election advertising:

- A business decides to put up billboards in its municipality denouncing a measure advocated by a political party;
- An organization distributes pamphlets promoting a political party;
- An individual pays to disseminate messages on a large scale on social media, highlighting the achievements of the party he supports.

If third parties simply share a partisan pre-election advertisement on social media, for which they incurred no cost, they do not have to register with the Chief Electoral Officer. However, if the value of the advertisement exceeds \$1,000, the third party who created the advertisement must submit a notice of intent.

2.6 Identifying the advertisement

(s. 127.33)

In the interests of transparency, third parties registered with the Chief Electoral Officer must ensure that their name or designation appears on partisan pre-election advertisements they disseminate.

If the third party's name or designation is not already an integral part of the advertisement, a mention must be added to it.

Examples

- "Paid for by business ABC"
- "An advertisement by organization XYZ"

If a third party's partisan pre-election advertisement does not have the required mention, the third party, or their representative, will be liable to a fine of \$500 to \$10,000.

2.7 Political program comparisons

A political program comparison consists of excerpts from the programs of several political parties or candidates, selected for the purpose of publication or broadcast. The information in a political program comparison may be gathered by means of a questionnaire sent to political parties or candidates, or through consultation of their official documents or website, for example. Political program comparisons do not constitute a form of advertising. Therefore, they are not subject to the provisions governing third-party pre-election advertising expenses.

For information on the rules applicable to disseminating a political program comparison during **an election period**, see [Directive D-31](#).

3

Partisan pre-election advertising expense report

3.1 Transmission

(s. 127.37)

Third parties registered with the Chief Electoral Officer must submit a report indicating the expenses they incurred for the partisan pre-election advertising they disseminated. They must submit their report no later than 30 days after the polling day of the general election.

All registered third parties must file a report, **regardless of the value of the partisan pre-election advertising they ultimately disseminated.**

Third parties must file their report using the form *Report of third-party partisan pre-election advertising expenses* **DGE-731** prescribed by **Directive D-36**. These documents are available on the Élections Québec website. The report must be sent to Élections Québec's Direction du financement politique by email, at financement-provincial@electionsquebec.qc.ca, or by mail, to the address indicated in the introduction to this guide.

3.2 Content

(s. 127.37)

Third parties must enter various information in their report [DGE-731](#), including the dates each partisan pre-election advertisement was disseminated, the means of dissemination used and the amounts of the expenses incurred. They must also briefly describe the content of each advertisement so that the public can easily recognize it. In the “Description of the advertisement’s content” column, the third party is expected to specify the subject of the advertisement as well as the political parties and candidates it targets.

Example

Dates of dissemination	Means of dissemination: Amount (\$)				Description of the advertisement’s content
	Objects, prints and advertising material	Social media and websites	Newspapers and periodicals	Television and radio	
2026-05-10 to 2026-05-31	\$2,500		\$700		Advertising campaign entitled “Transparency of the Neutrality political party”
2026-06-01 to 2026-06-14	\$1,000	\$300			Support for the Democracy political party regarding its position on impartiality

The third party or their representative must sign the declaration included in [DGE-731](#). The declaration must be submitted with the report for the latter to be admissible.

3.3 Accessibility

(ss. 127.39 and 127.42)

In the interests of transparency, the Chief Electoral Officer publishes the third-party partisan pre-election advertising expense reports on his website within 90 days of receiving them.

3.4 Request for an extension

(ss. 127.37 and 444)

If a third party demonstrates that a case of irresistible force or a reasonable cause is preventing the preparation of the partisan pre-election advertising expense report (such as someone's absence, death, illness, physical incapacity or misconduct), the Chief Electoral Officer may grant a maximum 30-day extension to prepare and file the report.

A form for requesting an extension **DGE-734** is available on the Élections Québec website. The request form, along with the required supporting documents, must be sent as soon as possible before the deadline for submitting the report, as its analysis takes some time.

3.5 Retaining supporting documents

(ss. 127.40 and 127.41)

All third parties must keep, for seven years after the end of the pre-election period, the supporting documents (such as invoices, proof of payment and identification of the advertisements) enabling verification of compliance with the provisions of the *Election Act* as concerns pre-election advertising expenses.

The Chief Electoral Officer has access to all books, accounts and documents that relate to third-party partisan pre-election advertising expenses. Upon request, third parties must provide these to Élections Québec within 30 days.

3.6 Penalties

(s. 563)

If a third party or their representative fails to file a partisan pre-election advertising expense report within the prescribed time limit, they are liable to a fine of \$50 for each day of delay.