



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 118
(2010, chapter 36)

An Act respecting the financing of political parties

**Introduced 20 October 2010
Passed in principle 30 November 2010
Passed 10 December 2010
Assented to 10 December 2010**

**Québec Official Publisher
2010**

EXPLANATORY NOTES

This Act introduces several measures concerning the financing of political parties. It increases the allowance paid to political parties authorized under the Election Act.

The Act changes the way in which tax credits for political contributions are applied and increases the thresholds for computing tax credits at the municipal level.

Lastly, the Act introduces a few other measures of a more technical nature.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Taxation Act (R.S.Q., chapter I-3).

Bill 118

AN ACT RESPECTING THE FINANCING OF POLITICAL PARTIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Section 82 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by replacing “\$0.50” by “\$0.82”;

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

“The amount provided in the first paragraph is adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount computed on the basis of the index includes a decimal, the decimal is rounded off to the higher digit if it is equal to or greater than 5 and, if not, to the lower digit. The Chief Electoral Officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.”

2. Section 100 of the Act is amended by adding the following paragraph at the end:

“However, a contribution or part of a contribution made contrary to this division need not be remitted to the Chief Electoral Officer if five years have elapsed since the contribution was made.”

3. Section 127 of the Act is amended

(1) by replacing “House leader” in the first paragraph by “leader of the party in the House”;

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

“If there is no leader of the party in the House, the Member designated by the leader of the party loses the right to sit and to vote, in accordance with the first paragraph.”

4. Section 442 of the Act is amended

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

“If there is no leader of the party in the House, the Member designated by the leader of the party loses the right to sit and to vote, in accordance with the first paragraph.”;

(2) by replacing “or the leader of the party in the House” in the second paragraph by “, the leader of the party in the House or the Member referred to in the second paragraph”.

5. The Act is amended by inserting the following section after section 566:

“566.1. If the leader of a political party, another of its officers, its official representative, a delegate of its official representative, its official agent or a deputy of its official agent commits, allows or tolerates an offence under this Act, the political party is presumed to have committed the same offence.”

6. Section 569 of the Act is amended by adding the following sentence at the end of the first paragraph: “Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) does not apply to the Chief Electoral Officer.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

7. Section 440 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraph after the second paragraph:

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

8. Section 638 of the Act is replaced by the following section:

“638. If the leader of a political party, another of its officers, its official representative, a delegate of its official representative, its official agent or a deputy of its official agent commits, allows or tolerates an offence under this Act, the political party is presumed to have committed the same offence.

The first paragraph applies, with the necessary modifications, to a ticket.”

9. Section 647 of the Act is amended by adding the following paragraph at the end:

“Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) does not apply to the Chief Electoral Officer.”

ACT RESPECTING SCHOOL ELECTIONS

10. Section 206.26 of the Act respecting school elections (R.S.Q., chapter E-2.3) is replaced by the following section:

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

Despite the first paragraph, if the contributor cannot be found or has been convicted of contravening any of sections 206.19 to 206.21 and 206.23, the contribution or the amount at which it is evaluated shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

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

11. Section 223.3 of the Act is amended by adding the following paragraph at the end:

“Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) does not apply to the Chief Electoral Officer.”

TAXATION ACT

12. Section 776 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing the first paragraph by the following paragraph:

“776. An individual who is an elector may deduct from the tax otherwise payable by the individual for a taxation year under this Part an amount equal to the aggregate of

(a) in relation to any contribution of money made by the individual in the taxation year to the official representative of a party or independent candidate authorized to receive such a contribution under the Act respecting elections and referendums in municipalities (chapter E-2.2), the aggregate of

i. 85% of the lesser of \$50 and the aggregate of all amounts each of which is such a contribution, and

ii. 75% of the amount by which \$50 is exceeded by the lesser of \$200 and the aggregate described in subparagraph i; and

(b) in relation to any contribution of money made by the individual in the taxation year for the benefit of a political party, party authority, independent Member or independent candidate authorized to receive such a contribution under the Election Act (chapter E-3.3), the aggregate of

i. 85% of the lesser of \$100 and the aggregate of all amounts each of which is such a contribution, and

ii. 75% of the amount by which \$100 is exceeded by the lesser of \$400 and the aggregate described in subparagraph i.”

FINAL PROVISION

13. This Act comes into force on 10 December 2010, except section 12, which comes into force as of the 2011 taxation year.

