



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 26
(2013, chapter 7)

**An Act to amend the Act respecting
elections and referendums in
municipalities with respect to financing**

**Introduced 12 March 2013
Passed in principle 16 April 2013
Passed 16 May 2013
Assented to 22 May 2013**

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EXPLANATORY NOTES

This Act amends the Act respecting elections and referendums in municipalities in order to reduce from \$1,000 to \$300 the total contributions that may be paid by the same elector in a municipality, in the same fiscal year, to each of the authorized political parties and authorized independent candidates and, during a given political party leadership campaign, to each of the leadership candidates. It also limits to \$300 the gifts a contributor may make to a candidate running in a municipality of less than 5,000 inhabitants. It specifies, however, that a candidate may also pay contributions or sums of money for the candidate's own benefit or that of the candidate's party, the total of which may not exceed \$700.

The ceiling on electoral expenses incurred during an election by a party or authorized independent candidate is reduced by 30%, and the amount of the electoral expenses incurred by a party or independent candidate that are reimbursable by the municipality is increased by 70%. Moreover, the manner in which a gift of money amounting to \$100 or more must be made in the case of a municipality of less than 5,000 inhabitants is specified.

Penalties may be imposed, in particular, on a person who contributes a gift of money amounting to more than \$300 to a candidate running in a municipality of less than 5,000 inhabitants. Moreover, a legal person found guilty of contributing a gift of money to a candidate running in a municipality of less than 5,000 inhabitants may not obtain a public contract.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting elections and referendums in municipalities (chapter E-2.2).

Bill 26

AN ACT TO AMEND THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES WITH RESPECT TO FINANCING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 431 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by replacing “\$1,000” by “\$300”;

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

“In addition to the contributions described in the first paragraph, a candidate of an authorized party or an authorized independent candidate may, during the fiscal year of the election, make contributions for the candidate’s own benefit or that of the party for which the candidate is running, the total of which may not exceed \$700.”

2. Section 465 of the Act is amended

(1) by replacing “\$5,400” in subparagraph 1 of the first paragraph by “\$3,780”;

(2) by replacing “\$0.42” in subparagraph *a* of subparagraph 1 of the first paragraph by “\$0.30”;

(3) by replacing “\$0.72” in subparagraph *b* of subparagraph 1 of the first paragraph by “\$0.51”;

(4) by replacing “\$0.54” in subparagraph *c* of subparagraph 1 of the first paragraph by “\$0.38”;

(5) by replacing “\$2,700” and “\$0.42” in subparagraph 2 of the first paragraph by “\$1,890” and “\$0.30”, respectively.

3. Section 475 of the Act is amended by replacing “50%” by “70%”.

4. Section 476 of the Act is amended by replacing “50%” in the first paragraph by “70%”.

5. Section 499.7 of the Act is amended

(1) by replacing “\$1,000” in the third paragraph by “\$300”;

(2) by adding the following sentence at the end of the third paragraph: “In addition to those contributions, a candidate may make contributions for the candidate’s own benefit, the total of which may not exceed \$700.”

6. Section 513.0.1 of the Act is amended by adding “, and may issue directives respecting such enforcement” at the end.

7. Section 513.1 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“513.1. Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 90 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who, to promote the election of the candidate, contributed a sum of \$100 or more, or contributed two or more sums amounting to \$100 or more. The list must indicate the amount thus contributed by each person as well as any amount of \$100 or more that the candidate made to promote his or her own election, if applicable.

The Chief Electoral Officer prescribes the other information that must be included on the list referred to in the first paragraph.”;

(2) by striking out “at the request of and” in the third paragraph.

8. Section 513.1.1 of the Act is replaced by the following section:

“513.1.1. Only a natural person may make gifts of money, the total of which may not exceed \$300 per candidate. In addition to those gifts, a candidate may contribute sums of money for the candidate’s own benefit, the total of which may not exceed \$700.”

9. The Act is amended by inserting the following section after section 513.1.1:

“513.1.2. Every gift of money of \$100 or more must be made by cheque or other order of payment signed by the person who makes the gift and drawn on the person’s account in a financial institution having an office in Québec and be made payable to the order of the person described in the first paragraph of section 513.1.”

10. Section 610.1 of the Act is amended

(1) by replacing “and who collects a gift of money from, or another person who, on that candidate’s behalf, collects a gift of money from, a legal person” in paragraph 1 by “and who collects a gift of money from a legal person, or collects a gift of money from a natural person that causes the maximum amount provided for in section 513.1.1 to be exceeded”;

(2) by striking out “legal” in paragraph 2;

(3) by adding the following paragraph after paragraph 2:

“(3) a person who collects a gift referred to in paragraph 1 on behalf of a person referred to in that paragraph.”

11. The Act is amended by inserting the following section after section 612:

“612.1. An elector who makes a contribution of \$100 or more that is not made in accordance with section 436 is guilty of an offence.”

12. Section 641 of the Act is amended by replacing “, 612,” by “to”.

13. Section 641.2 of the Act is amended by replacing “for contravening any of sections 429, 430 and 431 or an offence under any of paragraphs 2 to 4 of section 610” in the first paragraph by “under any of paragraphs 2 to 4 of section 610 or paragraph 2 of section 610.1”.

FINAL PROVISION

14. This Act comes into force on 21 June 2013.

