

Regulations and other acts

Gouvernement du Québec

O.C. 305-2004, 31 March 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14)

Consultation on municipal territorial reorganization

— Contributions made and expenses incurred

Regulation respecting contributions made and expenses incurred during the consultation on municipal territorial reorganization

WHEREAS, under section 149 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), the Government may, in respect of a consultation under Chapter II of the Act, make regulations establishing rules relating to all or some of the matters forming the subject of Chapter XIII and Chapter XIV of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), concerning the financing and control of expenses and the disclosure of contributions;

WHEREAS, under that section, such a regulation may also contain penal or other provisions with respect to acts such as those to which the provisions of Titles III and IV of the Act respecting elections and referendums in municipalities apply;

WHEREAS, under that section, the Minister of Municipal Affairs, Sports and Recreation shall present a draft of such a regulation to the Government after receiving a recommendation in that regard from the chief electoral officer;

WHEREAS, under section 36 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, such a regulation may name a person who may exercise the rights referred to in that section;

WHEREAS, under sections 12 and 18 of the Regulations Act (R.S.Q., c. R-18.1), a regulation may be made without having been published as provided in section 8 of that Act and may come into force on the date of its publication in the *Gazette officielle du Québec*, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS the chief electoral officer recommends the Minister present to the Government a draft of the Regulation respecting contributions made and expenses incurred during the consultation on municipal territorial reorganization;

WHEREAS, under sections 13 and 18 of the Regulations Act, the reasons justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation respecting contributions made and expenses incurred during the consultation on municipal territorial reorganization attached to this Order in Council:

— it is essential for such a consultation that rules be made to ensure that the consultation will be held fairly and openly;

— in order to allow that objective to be accomplished, the rules must apply as soon as possible after the Minister of Municipal Affairs, Sports and Recreation has advised the chief electoral officer and the cities of the date of the first day of opening of the register; the chief electoral officer having to be so advised at least 20 days before the beginning of the opening of the register which could, under section 13 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, be fixed as early as 2 May 2004;

— it is essential that the participants in the debate be informed of the rules made and given effect by the Government at least a few days before the start of the consultation period which could begin as early as 12 April 2004;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the Regulation respecting contributions made and expenses incurred during the consultation on municipal territorial reorganization, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting contributions made and expenses incurred during the consultation on municipal territorial reorganization

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities
(2003, c. 14, ss. 36 and 149)

CHAPTER I INTERPRETATION

1. For the purposes of this Regulation,

(1) “publicity expense” means any expense that

(a) is incurred during the period that begins on the day after the day on which the Minister of Municipal Affairs, Sports and Recreation advises the chief electoral officer of the date fixed for the first day of opening of the register, in accordance with section 13 of the Act, and that ends at the time the register ceases to be open; and

(b) consists of the costs related to the creation, production, installation and broadcasting or circulation of any publicity, whatever the medium used, concerning the registration process under Division II of Chapter II of the Act;

(2) “referendum period” means the period that begins,

(a) where the date of the first day of opening of the register under section 13 of the Act and the date of the referendum poll under section 31 of the Act are not fixed simultaneously by the Government, on the day after the day on which the Minister informs the chief electoral officer of the date fixed for the referendum poll, and that ends on polling day, at the closing of the polling stations; or,

(b) where the date of the first day of opening of the register under section 13 of the Act and the date of the referendum poll under section 31 of the Act are fixed simultaneously by the Government, on the day after the day on which the chief electoral officer receives the certificate referred to in section 20 of the Act, where a referendum poll is to be held, and that ends on polling day, at the closing of the polling stations;

(3) “regulated expense” means the cost of any goods or services used during the referendum period to promote or oppose, directly or indirectly, an option, except

(a) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the referendum poll and that the circulation and frequency of publication are as what obtains outside the referendum period;

(b) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the referendum poll;

(c) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(d) the expenses incurred by a qualified voter of the sector concerned, out of the qualified voter’s own property, for meals and lodging while travelling for the purposes of the referendum poll;

(e) the transportation costs of a qualified voter of the sector concerned, paid out of the qualified voter’s own property;

(f) the cost of the food and beverages served at an activity where the cost is included in the entrance fee paid by a qualified voter of the sector concerned and for which a contribution receipt has been issued under section 12;

(g) the expenses incurred for the holding of meetings, the total of which does not exceed \$600 for the entire referendum period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a committee formed pursuant to section 3;

(h) air time on the radio or television or space in a newspaper, periodical or other printed matter made available free of charge to the committees by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter, provided such service is offered equitably as to quality and quantity to each committee; and

(i) volunteer work and the goods or services produced by such work;

(4) “annex sector”, in respect of a sector concerned as described in paragraph 2 or 3 of section 5 of the Act, means the part of the territory of the local municipality referred to in that paragraph, other than the city, that is not included in the sector concerned or in another sector to which paragraph 2 of that section refers.

In the case of an expense incurred for goods or services used both during and before the period referred to in subparagraph *a* of subparagraph 1 of the first paragraph, the part of the cost thereof that constitutes a publicity expense within the meaning of that subparagraph is established according to a method based on the frequency of use during the period compared to the frequency of use before and during the period.

In the case of goods or services used both during and before the referendum period, the part of the cost thereof that constitutes a regulated expense is established according to a method based on the frequency of use during the referendum period compared to the frequency of use before and during the referendum period.

2. Where a provision of this Regulation refers to a qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city, considered without distinction, the provision also applies, if one of the sectors has an annex sector, to a person who would be a qualified voter of the annex sector.

CHAPTER II COMMITTEE

DIVISION I FORMATION OF THE COMMITTEE

3. Subject to the sixth and seventh paragraphs, the provisional committee in favour of an option, for a sector concerned, is formed of all the qualified voters of one or the other of the sectors concerned included in whole or in part in the territory of the city who, within six days after the day on which the Minister advises the chief electoral officer of the date fixed for the first day of opening of the register, in accordance with section 13 of the Act, register with the chief electoral officer in favour of that option for the sector concerned.

The chief electoral officer shall call, as soon as possible, a meeting of each provisional committee to be held at the place, day and time the chief electoral officer indicates. At the meeting, the members of each provisional committee must adopt the committee’s internal management by-law and appoint its chair.

The by-law must also provide for the affiliation with the committee of any qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city who favours the same option or of any group not endowed with legal personality composed of a majority of such voters, and provide for standards, conditions and formalities to govern the affiliation.

A party authorized under section 398 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the city or the other local municipality whose territory includes an annex sector of one of the sectors concerned is considered to be such a group.

The chair of the committee is the person who may exercise the rights referred to in section 36 of the Act. A chair who resigns must so inform in writing the chief electoral officer as soon as possible.

Where no provisional committee has been formed in favour of an option for a sector concerned in accordance with the first paragraph, the provisional committee in favour of the option, for the sector concerned, is formed of all the qualified voters of one or the other of the sectors included in whole or in part in the territory of the city who register in favour of that option, for the sector concerned, with the chief electoral officer within six days after the day on which the chief electoral officer receives the certificate referred to in section 20 of the Act indicating that a referendum poll must be held in the sector.

The second, third, fourth and fifth paragraphs apply to the provisional committee formed under the sixth paragraph.

DIVISION II OFFICIAL AGENT

4. Every committee must have an official agent in order to incur expenses.

The chair of the committee shall appoint the official agent in the form prescribed by the chief electoral officer, which must be sent to the chief electoral officer as soon as possible.

Only a natural person who is a qualified voter of the sector concerned may be appointed as an official agent.

Only an official agent appointed in accordance with the second paragraph may incur or authorize expenses on behalf of the committee.

An official agent may pay the expenses of the committee only out of the committee's fund.

5. An official agent who resigns must so inform in writing the chief electoral officer and the chair of the committee as soon as possible.

Within 10 days of resigning, the official agent must also file with the chair of the committee a return of expenses incurred during the period in which duties were performed as official agent.

The return must be filed with invoices, receipts and other vouchers, or certified copies of those documents.

6. If the official agent dies, resigns, is dismissed or is unable to act, the chair of the committee shall appoint another official agent as soon as possible, in accordance with the second paragraph of section 4.

DIVISION III CONTRIBUTION

7. Only a qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city may make a monetary contribution to the committee.

The contribution must be made directly by the qualified voter out of the qualified voter's own property.

Only such a contribution may be paid into the committee's fund.

8. The total of the contributions made to each committee by the same qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city may not exceed the amount of \$1,000.

9. Contributions may be solicited only under the responsibility of the official agent of a committee, through the persons authorized in writing by the official agent.

Every person so authorized must, on demand, produce a certificate in the form prescribed by the chief electoral officer attesting the person's authority and signed by the official agent.

10. A contribution may be made to no one except the official agent of the committee for which it is intended, or a person authorized pursuant to section 9.

11. Every contribution over \$100 must be made by cheque or other order of payment signed by the qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city and be drawn on the qualified voter's account in a bank, trust company or financial services cooperative having an office in Québec.

12. For every contribution, the official agent or the person authorized pursuant to section 9 must issue a receipt to the contributor in the form prescribed by the chief electoral officer.

The receipt must in addition indicate the contributor's address that qualifies the contributor as a voter of one or the other of the sectors concerned included in whole or in part in the territory of the city.

13. The cheque or order of payment must be made to the order of the committee.

14. On being cashed, a contribution is deemed to be paid by the person who made it and to be received by the committee for which it is intended.

15. The contributions collected in accordance with this Division must be deposited with a bank, trust company or financial services cooperative chosen by the official agent and having an office in Québec.

16. Any contribution or part of a contribution made contrary to this Division must, as soon as that fact is known, be remitted to the contributor by the official agent if the contributor's identity is known; if the contributor's identity is not known, the contribution must be remitted to the chief electoral officer who in turn shall remit it to the Minister of Finance.

CHAPTER III REGISTRATION PROCESS

DIVISION I AUTHORIZATION OF INTERESTED PERSONS

17. A person who wishes to incur a publicity expense must be authorized to act as an interested person for the sector concerned by the chief electoral officer pursuant to this Division.

Only a qualified voter of the sector concerned or a group of such persons may be authorized to act as an interested person.

The following are considered to be such a group :

(1) the city or the other local municipality whose the territory includes all or part of the sector concerned ;

(2) the local municipality a part of whose territory, corresponding to the sector concerned, was transferred to the territory of a city by the Act or order having constituted the city ;

(3) a party authorized under section 398 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the city or local municipality referred to in paragraph 1 or 2 ; and

(4) a committee formed for the sector concerned pursuant to section 3.

18. A qualified voter applying for authorization must do so in the form prescribed by the chief electoral officer, in which the qualified voter

(1) indicates the following : name, date of birth if applicable, telephone number, domiciliary address and, where applicable, the other address that qualifies the voter as a voter of the sector concerned ;

(2) declares to be a qualified voter of the sector concerned ; and

(3) declares not to belong to a group other than a city, a local municipality, a party or a committee that has obtained an authorization for the sector concerned.

The application for authorization must include an undertaking by the qualified voter to comply with the provisions of this Regulation.

19. A group applying for authorization must do so in the form prescribed by the chief electoral officer, in which the group

(1) indicates the name under which it intends to intervene, its address and telephone number ; and

(2) indicates the following : the name, date of birth, telephone number and domiciliary address of the natural person who is to act as the representative of the group and, where applicable, the other address that qualifies the person as a voter of the sector concerned.

If the group is a committee, the official agent is the representative of the group.

The application for authorization must be made by the representative and include an undertaking by the representative to comply with the provisions of this Regulation. In addition, except where the group is a city, a local municipality, a party or a committee, the application must include a statement by the representative that to the representative's knowledge, no member of the group has obtained an authorization for the sector concerned.

20. The application for authorization must be made to the chief electoral officer at the earliest on the day after the day on which the Minister advises the chief electoral officer of the date fixed for the first day of opening of the register in accordance with section 13 of the Act.

If the application is in conformity with the requirements of this Division, the chief electoral officer shall issue the authorization as soon as possible and assign an authorization number.

DIVISION II PUBLICITY EXPENSES

21. No interested person may use goods for which the person incurred an expense whose cost is wholly or partly a publicity expense unless the authorization number assigned to the interested person is indicated on the goods.

22. An interested person or an interested person's representative, as the case may be, must file with the chief electoral officer within 15 days after the last day of opening of the register a statement of all publicity expenses incurred by the interested person, in the form prescribed by the chief electoral officer.

The statement must be filed with invoices, receipts and other vouchers, or certified copies of those documents.

23. The statement must include

(1) the name and address of each supplier, the amount invoiced and any unpaid balance ;

(2) the total value and number of contributions of a value of \$100 or less ;

(3) the total value and number of contributions of a value of more than \$100 ; and

(4) the name and address of each contributor who made one or more than one contribution of a total value in excess of \$100 and, for each contributor, the total value.

24. Where, on the day the statement is filed, the interested person still has debts arising from publicity expenses, the interested person or the interested person's representative, as the case may be, must file with the chief electoral officer, no later than 31 December of each year, a new statement in the form prescribed by the chief electoral officer.

That requirement ceases after the filing of a statement certifying that all debts have been extinguished by payment, prescription or otherwise.

After the last day of opening of the register, the authorization granted to an interested person, other than a committee, entitles the interested person to solicit and collect contributions for the sole purpose of paying the debts arising from the publicity expenses.

25. A representative who resigns must so inform in writing the chief electoral officer and the group.

Within five days of resigning, the representative must file a statement of publicity expenses incurred by the group during the period in which duties were performed as representative.

The statement must be filed with invoices, receipts and other vouchers, or certified copies of those documents.

Section 23 applies to the statement.

26. If the representative dies, resigns, is dismissed or is unable to act, the group must, as soon as possible, appoint another representative and so inform in writing the chief electoral officer.

27. The chief electoral officer shall keep the statements, invoices, receipts and other vouchers referred to in sections 22 and 24 for a period of two years after their receipt.

On the expiry of that period, the chief electoral officer shall deliver the invoices, receipts and other vouchers to the interested person if the interested person so requests; in the absence of such a request, the chief electoral officer may destroy them.

CHAPTER IV REFERENDUM POLL

DIVISION I AUTHORIZATION OF NON-AFFILIATED PERSONS

28. In addition to a committee, only a non-affiliated person may incur regulated publicity expenses.

Only a qualified voter of the sector concerned who is not a member of a committee formed for the sector concerned and is not affiliated with such a committee directly or indirectly through a group may apply for authorization to act as a non-affiliated person.

29. A person applying for authorization must do so in the form prescribed by the chief electoral officer, in which the person

(1) indicates the following: name, date of birth if applicable, telephone number, domiciliary address and, where applicable, the other address that qualifies the person as a voter of the sector concerned;

(2) declares to be a qualified voter of the sector concerned;

(3) indicates the option the person intends to promote and states briefly why the person is not a member of the committee in favour of that option and is not affiliated with the committee directly or indirectly through a group;

(4) declares not to have been and not to be a member of the other committee and not to have been and not to be affiliated with the other committee directly or indirectly through a group;

(5) declares not to have contributed to a committee formed for the sector concerned; and

(6) declares not to be acting directly or indirectly on behalf of a committee formed for the sector concerned.

The application for authorization must include an undertaking by the person to comply with the provisions of this Regulation.

30. An application for authorization must be made to the chief electoral officer,

(1) where the date of the first day of opening of the register under section 13 of the Act and the date of the referendum poll under section 31 of the Act are not fixed simultaneously by the Government, at the earliest on the day after the day on which the Minister informs the chief electoral officer of the date fixed for the referendum poll and at the latest on the twelfth day following the day after the day on which the chief electoral officer is so informed; or,

(2) where the date of the first day of opening of the register under section 13 of the Act and the date of the referendum poll under section 31 of the Act are fixed simultaneously by the Government, at the earliest on the day after the day on which the chief electoral officer receives the certificate referred to in section 20 of the Act and at the latest on the twelfth day thereafter.

31. If the application is in conformity with the requirements of this Division, the chief electoral officer shall issue the authorization as soon as possible and assign an authorization number.

Before rejecting an application, the chief electoral officer shall allow the person to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

32. A non-affiliated person may not, during the referendum period, be a member of a committee formed for the sector concerned or affiliate with such a committee directly or indirectly through a group, or make a contribution to such a committee.

33. The chief electoral officer shall send a list of the authorizations that have been granted to each official agent on or before the tenth day preceding the day fixed for the referendum poll.

The list must indicate the name of the non-affiliated person, the number and date of the authorization and the option that the non-affiliated person intends to promote.

34. A person may obtain only one authorization during the consultation provided for in the Act and the authorization is valid only for the referendum period.

35. The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a non-affiliated person if the chief electoral officer ascertains that

(1) the application for authorization contains false or inaccurate information;

(2) the non-affiliated person is no longer qualified for such an authorization; or

(3) the non-affiliated person has contravened a provision of this Regulation.

Before withdrawing the authorization, the chief electoral officer shall allow the person to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

36. A person whose application for authorization is rejected or a non-affiliated person whose authorization is withdrawn may, by way of a motion, appeal the decision before the Court of Québec.

The motion must be served on the chief electoral officer.

The appeal is heard and decided by preference. The appeal does not suspend the execution of the decision, unless the court decides otherwise.

The decision of the Court of Québec is final.

DIVISION II

CONTROL OF REGULATED EXPENSES

37. The regulated publicity expenses that may be incurred by a non-affiliated person must not exceed \$300.

The regulated expenses of a committee must not exceed the amount of \$25,000 increased by \$1 per qualified voter of the sector concerned according to the number established in the certificate drawn up under section 11 of the Act.

The committee promoting the option for which the smaller number of persons have been authorized to act as non-affiliated persons may spend an additional amount equal to 50% of the difference between the maximum amounts of expenses allowed to be incurred, under the first paragraph, by the non-affiliated persons favourable to each option.

The additional amount is established by the chief electoral officer who shall inform the official agent thereof on or before the tenth day preceding the day fixed for the referendum poll.

38. A non-affiliated person may not incur regulated publicity expenses that do not promote the option indicated in the application for authorization.

39. A non-affiliated person may not incur a regulated publicity expense jointly with another person or incur such an expense individually in agreement, collusion or association with another person.

40. A non-affiliated person must pay the cost of a regulated publicity expense out of the person's own property. The expense must be paid by cheque or other order of payment signed by the person and drawn on the person's account in a bank, trust company or financial services cooperative having an office in Québec.

41. No goods or services whose cost is wholly or partly a regulated expense may be used during the referendum period except by or with the authorization of the official agent.

Despite the foregoing, goods or services whose cost is wholly or partly a regulated publicity expense may be used during the referendum period by the non-affiliated person who incurs the expense.

42. No person may receive or fill an order in respect of regulated expenses that is not made or authorized by the official agent.

Despite the foregoing, an order in respect of regulated publicity expenses may be received or filled if made by a non-affiliated person.

43. No person may, for goods or services whose cost is wholly or partly a regulated expense, claim or receive a price different from the regular price for similar goods or services outside the referendum period or accept a different remuneration or renounce payment.

A person may, however, contribute the use of the person's vehicle without remuneration, provided that the person does so freely and not as part of work in the service of an employer.

44. The name of every printer or manufacturer who furnishes any writing, object or publicity material relating to the referendum poll must be indicated therein or thereon along with the title of the official agent who caused it to be produced and the name of the committee for which the official agent is acting.

Every owner of a newspaper or other publication in which an advertisement relating to the referendum poll is published must indicate the name and title of the official agent who caused it to be published and the name of the committee for which the official agent is acting.

Every radio or television broadcaster who broadcasts publicity relating to the referendum poll must indicate, at the beginning or at the end of the publicity, the name and title of the official agent who caused it to be broadcast and the name of the committee for which the official agent is acting.

Every service provider who broadcasts publicity relating to the referendum poll by means of a medium or an information technology other than those referred to in the preceding paragraphs must indicate, at the beginning or at the end of the publicity, the name and title of the official agent that caused it to be broadcast and the name of the committee for which the official agent is acting.

Where the supply, publication or broadcast referred to in any of the first four paragraphs is provided at the request of a non-affiliated person, the mention of the that person's name and authorization number assigned to the person under section 31 replaces the indication of the name and title of the official agent and the name of the committee required by that paragraph.

45. Where the cost of the writing, object, material, advertisement or publicity referred to in section 44 exceeds \$300, the printer, manufacturer, owner or radio or television broadcaster or the service provider may indicate only the name and title of the official agent as the person having caused it to be produced, published or broadcast and the name of the committee for which the official agent is acting.

46. No person may pay a regulated expense of \$100 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

47. An official agent who resigns during the referendum period must so inform in writing the chief electoral officer and the chair of the committee as soon as possible.

Within 10 days of resigning, the official agent must file with the chair of the committee a return of regulated expenses incurred during the period in which duties were performed as official agent.

The return must be filed with invoices, receipts and other vouchers, or certified copies of those documents.

48. Every person to whom an amount is due for regulated expenses, other than regulated expenses incurred by a non-affiliated person, must present a claim to the official agent within 60 days after polling day.

If the official agent has died or resigned and has not been replaced, the claim must be presented within the same time to the chair of the committee.

After the expiry of that time, the creditor has 120 days to file a claim with the chief electoral officer, failing which the claim is prescribed.

49. Within 90 days after the day on which the chief electoral officer receives the copy of the certificate referred to in section 20 of the Act or, as the case may be, polling day, the official agent must file with the chief electoral officer a return of the regulated expenses incurred or authorized by the official agent for the committee, in the form prescribed by the chief electoral officer.

The return must include

(1) the total amount and number of contributions of \$100 or less;

(2) the total amount and number of contributions of more than \$100; and

(3) the name and address of each qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city who made one or more than one contribution to the committee in a total amount in excess of \$100 and, for each such voter, the total amount.

50. The return must be filed with

(1) invoices, receipts and other vouchers, or certified copies of those documents;

(2) receipts issued for contributions received and vouchers allowing verification of whether

(a) each of the contributions was made to the committee directly by a qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city and was made out of the qualified voter's own property; and

(b) every contribution in excess of \$100 was made by cheque or other order of payment signed by the qualified voter of one or the other of the sectors concerned included in whole or in part in the territory of the city and was drawn on the qualified voter's account in a bank, trust company or financial services cooperative having an office in Québec; and

(3) a statement in the form prescribed by the chief electoral officer.

51. The return must also be filed with an itemized statement in the form prescribed by the chief electoral officer, setting forth the names and addresses of the creditors who failed to present their claim in the manner prescribed in the first paragraph of section 48 and, for each such claim, the amount of the debt and the date on which the goods or services were furnished.

The statement must be filed with a cheque drawn on the committee's fund, made to the order of the chief electoral officer for the total amount of the claims.

52. Where a creditor has filed a claim with the chief electoral officer within the time prescribed by the third paragraph of section 48, the chief electoral officer shall discharge the claim.

Where, however, the sums remitted by the official agent to discharge the claim are insufficient, the chief electoral officer shall pay the creditor using the sums remitted by the official agent and inform the official agent of that fact as soon as possible.

53. Where an error is found in a statement or return that has been filed, the official agent may correct it at any time within the period prescribed for filing the return.

After the period prescribed for filing the return, the chair or official agent must obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for leave must be submitted to the chief electoral officer.

If the chief electoral officer concludes that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, the chief electoral officer shall refer the parties to the court of competent jurisdiction.

The court having jurisdiction to decide an application is the Court of Québec. No application may be heard without a notice of at least three clear days to the chief electoral officer and to the chair and official agent of the other committee.

54. If the chair or the official agent establishes before the court of competent jurisdiction that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and filing of the return, the court may make any order it considers necessary to enable the applicant to obtain all the information and documents necessary to prepare the return, and grant an extension of time.

The fourth paragraph of section 53 applies with the necessary modifications.

55. Before filing the return, the official agent must have discharged all the claims filed within the time prescribed by the first paragraph of section 48, unless the official agent contests them and indicates them as contested.

56. Before filing the return and after discharging the claims filed for regulated expenses that are not contested, the official agent must remit the sums in the fund, except the sums necessary to comply with the second paragraph of section 51, to religious, scientific or charitable organizations.

Where the committee still has debts arising from publicity expenses, the official agent is not required to remit the sums in the fund that are necessary to settle the debts before the debts have been extinguished by payment, prescription or otherwise.

57. Within 30 days after polling day, a non-affiliated person must file with the chief electoral officer, in the form prescribed by the chief electoral officer, a return of all regulated publicity expenses incurred by the non-affiliated person.

The return must be filed with invoices, receipts and other vouchers, or certified copies of those documents, and a statement in the form prescribed by the chief electoral officer.

If the non-affiliated person establishes before the court of competent jurisdiction that a reasonable cause prevents the preparation and filing of the return, the court may make any order it considers necessary to enable the non-affiliated person to obtain all the information and documents necessary to prepare the return, and grant an extension of time.

The court having jurisdiction to decide that application is the Court of Québec. No application may be heard without a notice of at least three clear days to the chief electoral officer.

58. The chief electoral officer shall keep the documents referred to in sections 49, 50 and 57 for a period of two years after their receipt.

On the expiry of the period provided for in the first paragraph, the chief electoral officer shall deliver the invoices, receipts and other vouchers to the chair of the committee or the non-affiliated person, as the case may be, if the chair or the person so requests; in the absence of such a request, the chief electoral officer may destroy them.

CHAPTER V PENAL

59. Every person is liable to a fine of \$500 to \$10,000 who

(1) incurs publicity expenses without holding an authorization issued under the second paragraph of section 20; or

(2) uses goods or services whose cost is wholly or partly a publicity expense without holding an authorization issued under the second paragraph of section 20.

60. Every interested person who uses goods for which the interested person incurred an expense whose cost is wholly or partly a publicity expense, without the authorization number assigned to the interested person being indicated on the goods, is liable to a fine of \$500 to \$10,000.

61. Every person required to file a statement provided for in section 22 or 24 or the second paragraph of section 25 who fails to do so within the prescribed time is liable to a fine of \$50 for each day late.

62. Every person required to file a statement provided for in section 22 or 24 or the second paragraph of section 26 who files a statement that is incomplete or contains a false indication or false information is liable to a fine of \$1,000 to \$10,000.

63. Every person who agrees to abstain from voting or to vote in favour of an option, or who incites a person to abstain from voting or to vote for an option, in order to obtain or because the person has obtained a gift, loan, office, employment or any other benefit, is liable to a fine of \$1,000 to \$10,000.

The first paragraph does not apply

(1) to an official agent who provides, as regulated expenses, food or beverages at an assembly of qualified voters of one or the other of the sectors concerned included in whole or in part in the territory of the city or to a person working to promote an option;

(2) to a person other than an official agent who, out of the person's own property, provides food or beverages at a private assembly of qualified voters of one or the other of the sectors concerned included in whole or in part in the territory of the city held to promote an option; or

(3) to a person accepting food or beverages.

64. Every official agent is liable to a fine of \$1,000 to \$10,000 who

(1) incurs or authorizes regulated expenses that exceed the maximum fixed in the second and third paragraphs of section 37; or

(2) makes a false declaration or statement or files a return, invoice, receipt or other voucher that is incomplete or contains any false or falsified indication or information.

A non-affiliated person who makes a false declaration or statement or files a return, invoice, receipt or other voucher that is incomplete or that contains any false or falsified indication or information is also liable to a fine of \$1,000 to \$10,000.

65. Every person is liable to a fine of \$1,000 to \$10,000 who

(1) attempts to incur a regulated expense otherwise than as permitted by this Regulation;

(2) makes a false invoice, receipt or voucher; or

(3) falsifies an invoice, receipt or voucher.

66. A chair of a committee who allows any regulated expense to be incurred or paid for otherwise than as permitted by this Regulation is liable to a fine of \$1,000 to \$10,000.

67. Every person required to file the return referred to in the second paragraph of section 5, the second paragraph of section 47, section 49 or section 57 who fails to do so within the prescribed time is liable to a fine of \$50 for each day late.

68. Every person who contravenes the fifth paragraph of section 3, the fifth paragraph of section 4, the first paragraph of section 5, any of sections 7 to 13, 15 or 16, the first paragraph of section 25, the first paragraph of section 28, section 32 or 34, the first paragraph of section 37, any of sections 38 to 46, the first paragraph of section 47 or section 55 or 56 is liable to a fine of \$500 to \$10,000.

69. Every person who, by an act or omission, aids another person to commit an offence is guilty of the offence if the person knew or should have known that such conduct would probably result in aiding the commission of the offence.

Every person who encourages, advises, allows, authorizes or orders another person to commit an offence is guilty of the offence, and of any other offence the other person commits if the person knew or should have known that such conduct would probably result in the commission of the offences.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

70. An offence provided for in any of sections 63 to 66 is a corrupt electoral practice within the meaning of the Election Act (R.S.Q., c. E-3.3) and the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

71. The chief electoral officer may institute penal proceedings for an offence under this Chapter.

Proceedings are brought before the Court of Québec. They are prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed since the commission of the offence.

CHAPTER VI MISCELLANEOUS AND FINAL

DIVISION I MISCELLANEOUS

72. The chief electoral officer shall see to the carrying out of this Regulation.

73. The chief electoral officer may ask any person he designates to exercise, under his authority, any power or function he indicates and that is assigned to the chief electoral officer by this Regulation.

74. The chief electoral officer may, on his own initiative or at the request of a person, inquire into the application of this Regulation.

75. The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

76. Each time the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

77. For his inquiries, the chief electoral officer or any person he designates is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37), except the power to order imprisonment.

Articles 307 to 309 of the Code of Civil Procedure (R.S.Q., c. C-25) apply to witnesses heard at an inquiry.

78. Personal information entered on a document to which this Regulation applies is public information for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

However, the following is not public information :

(1) personal information entered on a receipt for a contribution of \$100 or less made to an official agent or a person authorized by the official agent ; and

(2) personal information entered on a document referred to in the first paragraph related to a contribution of \$100 or less made to an interested person.

The information referred to in the second paragraph must be transmitted in accordance with this Regulation, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information do not apply to any such transmission. The chief electoral officer is not required to file the information in the personal information file provided for in that Act.

Division II of Chapter II of that Act does not apply to a document referred to in this Regulation.

DIVISION II

FINAL

79. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.