



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 2
(2012, chapter 26)

**An Act to amend the Election Act in order
to reduce the elector contribution limit,
lower the ceiling on election expenses and
increase public financing of Québec
political parties**

**Introduced 6 November 2012
Passed in principle 15 November 2012
Passed 6 December 2012
Assented to 7 December 2012**

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EXPLANATORY NOTES

This Act reduces from \$1,000 to \$100 the total contributions that an elector may make under the Election Act during the same calendar year to each authorized political party, independent Member and independent candidate. Additional contributions of \$100 may be made for every general election or by-election.

In addition, the amount of the annual allowance that may be paid to authorized political parties is raised from \$0.82 to \$1.50 per elector entered on the list of electors used at the last general election. An additional allowance is to be paid when a general election is held. Moreover, under certain conditions, amounts may be paid to authorized entities under the Election Act based on the amounts they receive in contributions.

The ceiling on election expenses is lowered.

Certain other rules respecting financing are revised, particularly with respect to cash contributions, to the maximum amount that can be required as membership dues by authorized political parties and to the leadership campaigns of authorized political parties.

Lastly, the Taxation Act is amended in order to abolish the tax credit to which an individual is entitled for making contributions to authorized political parties, independent Members, independent candidates and political party leadership candidates referred to in the Election Act.

LEGISLATION AMENDED BY THIS ACT:

- Election Act (chapter E-3.3);
- Taxation Act (chapter I-3).

Bill 2

AN ACT TO AMEND THE ELECTION ACT IN ORDER TO REDUCE THE ELECTOR CONTRIBUTION LIMIT, LOWER THE CEILING ON ELECTION EXPENSES AND INCREASE PUBLIC FINANCING OF QUÉBEC POLITICAL PARTIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Section 81 of the Election Act (chapter E-3.3) is replaced by the following section:

“81. The Chief Electoral Officer shall determine, after each general election, the annual allowance that may be paid to the authorized parties under section 82. The allowance is revised annually.

The allowance is paid on a monthly or quarterly basis after consultation with the authorized party concerned.”

2. Section 82 of the Act is amended by replacing “\$0.82” in the first paragraph by “\$1.50”.

3. The Act is amended by inserting the following sections after section 82:

“82.1. Within 10 days of the order instituting the holding of a general election, the Chief Electoral Officer shall pay an additional allowance to the authorized parties referred to in section 82.

This additional allowance is calculated following the modalities provided in the first paragraph of section 82 by replacing the amount therein by \$1.00.

“82.2. The Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines,

(1) \$2.50 for each dollar contributed to an authorized party up to an annual amount of \$20,000 paid in contributions to each party;

(2) in addition to the contributions referred to in subparagraph 1 of this paragraph, \$1.00 for each dollar contributed to an authorized party up to an annual amount of \$200,000 paid in contributions to each party.

During a general election, in addition to the amounts provided for in the first paragraph, the Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines,

(1) \$2.50 for each additional dollar contributed to an authorized party for that election, up to \$20,000 paid in contributions to each party;

(2) in addition to the contributions referred to in subparagraph 1 of this paragraph, \$1.00 for each additional dollar contributed to an authorized party for that election, up to \$200,000 paid in contributions to each party.

“82.3. To be entitled to receive the amounts provided for in section 82.2, a party that has been authorized since the last general election and that is not entitled to receive the allowance provided for in section 81 must submit to the Chief Electoral Officer, in the manner the Chief Electoral Officer determines,

(1) a list of the name and address of at least 1,000 members who meet the conditions set out in section 51.1; or

(2) a list of the name and address of at least 500 members who meet the conditions set out in section 51.1 and come from at least 10 administrative regions having at least 25 members each.

The Chief Electoral Officer may take any measures necessary to verify the information provided under the first paragraph.

“82.4. The Chief Electoral Officer shall pay, in the manner and at the frequency the Chief Electoral Officer determines, \$2.50 for each dollar contributed to an independent Member or independent candidate, up to an annual amount of \$800 paid in contributions, to each Member or candidate.”

4. Section 83 of the Act is replaced by the following section:

“83. The sums provided for in sections 82 to 82.2 and 82.4 are used to defray expenses related in particular to day-to-day operations, the propagation of a political program, the coordination of the political activities of the members or supporters of a party and election expenses. They are also used to reimburse the principal of loans.”

5. Section 84 of the Act is replaced by the following section:

“84. The sums provided for in sections 82 to 82.2 and 82.4 are paid by cheque made to the order of the official representative of the party, the independent Member or the independent candidate. These sums may also be paid by means of a transfer of funds to an account held by the official representative.”

6. Section 86 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “of every party contemplated in” in the second paragraph by “of a political party, an independent Member or an independent candidate under”.

7. Section 88 of the Act is amended

(1) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) amounts paid to an authorized entity under any legislative provision;”;

(2) by replacing “\$50” in subparagraph 5 of the second paragraph by “\$25”;

(3) by replacing subparagraph 6 of the second paragraph by the following subparagraph:

“(6) an entrance fee to a political activity, where the fee does not exceed the real cost of this activity by more than 5%, up to one admission per person. The sums that exceed the real cost of the activity by more than 5% must be remitted to the Chief Electoral Officer, within 30 days of the Chief Electoral Officer’s request, who then remits the sums to the Minister of Finance;”;

(4) by replacing “activity or rally” in subparagraph 6.1 of the second paragraph by “or fundraising activity”;

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

“A political activity is an activity held by an authorized entity that is not aimed at raising funds for the entity.”

8. Section 91 of the Act is amended

(1) by replacing “\$1,000” in the first paragraph by “\$100”;

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

“In addition to the contributions referred to in the first paragraph, an elector from an electoral division for which an order was issued under section 128 may make contributions for a total amount not exceeding \$100 for the benefit of each of the parties, independent Members and independent candidates.

During a general election, the contributions referred to in the second paragraph may be made as of the day following the issue of the order instituting the election up to the 90th day after polling day. During a by-election, these contributions may be made as of the vacancy of the seat up to the 30th day after polling day.”

9. Section 93 of the Act is amended

(1) by replacing “less than \$100” in the second paragraph by “\$50 or less”;

(2) by replacing “second or third” in the second paragraph by “fourth or fifth”.

10. Section 95 of the Act is amended by replacing “\$100 or more shall be” by “more than \$50 is”.

11. The Act is amended by inserting the following section after section 98:

“98.1. Despite section 98, a contribution made to the Chief Electoral Officer within 20 days following 31 December is deemed to have been made by the elector and received by the authorized entity for which it is intended before 1 January, if it is accompanied by a contribution slip and a cheque dated before 1 January.”

12. Section 100 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) the amount of the contribution or part of the contribution to be returned is \$10 or less; or”.

13. Section 100.1 of the Act is repealed.

14. Section 114 of the Act is amended by replacing paragraphs 3 and 3.1 by the following paragraphs:

“(3) the total sum of amounts collected under subparagraph 6 of the second paragraph of section 88, and the nature, place and date of the activity;

“(3.1) the total sum of amounts collected under subparagraph 6.1 of the second paragraph of section 88, how those amounts break down, and the nature, place and date of the activity;”.

15. Section 118 of the Act is amended by replacing “section 90” by “sections 83 and 90”.

16. Section 127.7 of the Act is amended

(1) by inserting the following sentence at the end of the second paragraph: “However, an elector may make a contribution to the Chief Electoral Officer by means of a credit card.”;

(2) by replacing “\$1,000” in the third paragraph by “\$500”.

17. Section 127.8 of the Act is amended

(1) by replacing “second and third” in the first paragraph by “fourth and fifth”;

(2) by striking out the second paragraph.

18. Section 127.18 of the Act is amended

(1) by replacing “official representative of the party” in the first paragraph by “Chief Electoral Officer”;

(2) by replacing the second paragraph by the following paragraph:

“The Chief Electoral Officer must remit that sum to the Minister of Finance.”

19. Section 404 of the Act is amended by replacing “à caractère politique” in the French text of paragraph 8.1 by “politique”.

20. Section 426 of the Act is amended

(1) by replacing “\$0.71” in the first paragraph by “\$0.65”;

(2) by replacing “\$1.23” in the second paragraph by “\$0.70”;

(3) by replacing “\$0.30” in the second paragraph by “\$0.20”;

(4) by replacing “\$0.71” in the third paragraph by “\$0.65”.

21. Section 441 of the Act is amended by replacing the second paragraph by the following paragraph:

“The official agent of an independent candidate who was not elected shall remit the sums to the Chief Electoral Officer who must then remit them to the Minister of Finance.”

TAXATION ACT

22. Section 776 of the Taxation Act (chapter I-3) is amended

(1) 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, 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 or to the financial representative of a party leadership candidate authorized to receive such a contribution under the Act respecting elections and referendums in municipalities (chapter E-2.2), an amount equal to the aggregate of

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

(b) 75% of the amount by which \$50 is exceeded by the lesser of \$200 and the aggregate described in subparagraph *a.*”;

(2) by replacing the third paragraph by the following paragraph:

“In this section, the expression “elector” has the meaning assigned to it by the Act respecting elections and referendums in municipalities.”

TRANSITIONAL AND FINAL PROVISIONS

23. Except for paragraph 1 of section 16 and section 18, the amendments to the Election Act (chapter E-3.3) and to the Taxation Act (chapter I-3) enacted by this Act do not apply to a political party leadership campaign taking place on 1 January 2013. The provisions applicable to such a campaign are the provisions in those Acts as they read prior to that date.

24. The provisions of this Act come into force on 1 January 2013, except for paragraph 1 of section 16, which comes into force on 7 January 2013, and paragraph 2 of section 8, which comes into force on 1 May 2013.