
Extracts of the

Act respecting school elections

**The financing of candidates and
the control of election expenses**



LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

FOREWORD

This publication is an administrative codification which groups the provisions of the Act respecting school elections (R.S.Q., c. E-2.3) with regard to the financing of candidates and the control of election expenses.

Where it is intended to interpret or to enforce the Act, the official wording published by the Quebec Official Publisher should be used.

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Chief Electoral Officer
President of the “Commission de la représentation électorale”

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INFORMATION PERTAINING TO THE ACT RESPECTING SCHOOL ELECTIONS

The act respecting school elections (1989, c. 36), approved June 22, 1989 and effective July 1, 1989, except subparagraph 4 of section 12 which came into force on April 15, 1990, has been modified by the following acts:

1990, c. 4	2002, c. 7
1990, c. 35	2002, c. 10
1992, c. 21	2002, c. 75
1992, c. 61	2005, c. 28
1993, c. 51	2006, c. 22
1994, c. 11	2006, c. 51
1994, c. 16	2007 c. 29
1995, c. 23	2008, c. 29
1996, c. 5	2010, c. 32
1997, c. 47	2010, c. 35
1999, c. 14	2010, c. 36
1999, c. 15	2011, c. 27
1999, c. 40	2011, c. 38
1999, c. 89	
2000, c. 59	
2001, c. 26	
2001, c. 45	
2002, c. 6	

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Chapter E-2.3

AN ACT RESPECTING SCHOOL ELECTIONS

CHAPTER I

SCOPE

Scope. **1.** This Act applies to all school boards, except the Cree School Board, the Kativik School Board and the Commission scolaire du Littoral established by chapter 125 of the Statutes of Québec, 1966-67.

1989, c. 36, s. 1; 1997, c. 47, s. 53.

CHAPTER IV

PARTIES TO AN ELECTION

DIVISION I

ELECTORS

Qualified elector. **12.** Every person who, on polling day,

- (1) has attained eighteen years of age,
- (2) is a Canadian citizen,
- (3) is domiciled in the territory of the school board and has been domiciled in Québec for at least six months,
- (4) is not under curatorship, and
- (5) has not been convicted within the last five years of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3).

1989, c. 36, s. 12; 1990, c. 35, s. 2; 2001, c. 45, s. 8; 2002, c. 10, s. 4; 2006, c. 51, s. 11.

DIVISION II

CANDIDATE

Eligibility. **20.** Every person who is entitled to have his name entered on the list of electors of a school board and who, on polling day, has been domiciled in the territory of the school board for six months or more may be elected as a commissioner for that school board.

1989, c. 36, s. 20.

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- Disqualification. **21.** The following persons are disqualified for election to the office of school commissioner:
- (1) Members of the National Assembly;
 - (2) Members of the Parliament of Canada;
 - (3) justices of any court of justice;
 - (3.1) the chief electoral officer and the other members of the Commission de la représentation;
 - (3.2) public servants, except employees within the meaning of the Labour Code (chapter C-27), of the Ministère de l'Éducation, du Loisir et du Sport or of any other department who are assigned to the Ministère de l'Éducation, du Loisir et du Sport on a permanent basis;
 - (4) an employee of the school board;
 - (4.1) election officers of the school board;
 - (5) a person sentenced to imprisonment.
- Duration. Disqualification under subparagraph 5 applies for the term of the sentence but ceases if the person obtains a pardon for the offence committed.
- Disqualification. Employees of the Comité de gestion de la taxe scolaire de l'île de Montréal are disqualified for election to the office of school commissioner of any school board on the island of Montréal.
- 1989, c. 36, s. 21; 1990, c. 35, s. 5; 1997, c. 47, s. 60; 2002, c. 10, s. 7; 2002, c. 75, s. 33; 2005, c. 28, s. 195.
- Ineligibility. **21.1.** Any candidate at a previous election whose financial report or return of election expenses required under any of sections 206.10, 206.13, 209, 209.3 and 209.4 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.
- 2002, c. 10, s. 8.
- Ineligibility. **21.2.** Any candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 206.56 is ineligible for four years from his default.
- Duration. Notwithstanding the foregoing, the ineligibility affecting an elected candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.
- 2002, c. 10, s. 8.

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Ineligibility. **21.3.** A person is ineligible for office as a member of the council of commissioners if he holds office as member of the council of another school board or if he is a candidate for such an office.

Ineligibility. Any person who is already holding an office on the council of commissioners is also ineligible for office as a member of the council, except in the event of an election at which the office held by the person is open for nominations or ceases to exist.

2002, c. 10, s. 8.

Ineligibility. **21.4.** A person is ineligible for office as a member of the council of commissioners if, following a judgment that has become *res judicata*, he is disqualified under section 176 of the Education Act (chapter I-13.3).

2006, c. 51, s. 13.

DIVISION III.1 **CHIEF ELECTORAL OFFICER**

Recommendations. **30.2.** The chief electoral officer may make recommendations and issue directives to the returning officer regarding the performance of the latter's duties.

2002, c. 10, s. 11.

Assistance. **30.3.** The chief electoral officer may, on request, provide the returning officer with any assistance he may need to perform his duties.

2002, c. 10, s. 11.

Inquiry. **30.4.** The chief electoral officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters V to VII, Chapter X and Chapter XI.

2002, c. 10, s. 11.

Refusal. **30.5.** 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.

2002, c. 10, s. 11.

Reasons. **30.6.** Where the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.

2002, c. 10, s. 11.

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- Powers and immunity. **30.7.** For his inquiries, the chief electoral officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.
- Witnesses. Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.
2002, c. 10, s. 11.
- Adaptation. **30.8.** If, during the election period within the meaning of section 206.1, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 30.4 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.
- Decision. The chief electoral officer shall first inform the Minister of Education, Recreation and Sports of the decision he intends to make.
- Report. Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not in session, within 30 days of resumption.
2002, c. 10, s. 11; 2005, c. 28, s. 195.
- Informing the public. **30.9.** With respect to informing the public, the chief electoral officer may, in particular,
 - (1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters V to VII, Chapter X and Chapter XI;
 - (2) provide any person applying therefor with advice and information regarding the application of Chapter XI;
 - (3) maintain an information centre on Chapter XI;
 - (4) regularly hold information meetings and conferences for the benefit of the candidates, the school boards and the public;
 - (5) make any publicity he considers necessary.2002, c. 10, s. 11.
- Powers. **30.10.** The chief electoral officer may entrust the exercise of any power or any function he indicates that is assigned to him under this Act to such person as he may designate.
2002, c. 10, s. 11.

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DIVISION IV

REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS

- Representatives. **31.** A ticket recognized under Division III of Chapter V may designate a person for each polling station where a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer.
1989, c. 36, s. 31.
- Representative of candidates. **32.** An independent candidate may designate a person for each polling station where a vote may be cast in his favour, and give him a power of attorney to represent him before the deputy returning officer.
1989, c. 36, s. 32.
- Presence of candidate. **33.** A candidate may be present wherever his representative is authorized to act, assist him in performing his duties or replace him.
- Unrepresented candidate. A candidate who has no representative may act where a representative would be authorized to act.
1989, c. 36, s. 33.
- Poll runner. **34.** A recognized ticket may designate a poll runner for each polling place where there is a polling station at which a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to periodically collect a list of the persons who have already exercised their right to vote.
- Poll runner. An independent candidate may in the same manner designate a poll runner for each polling place where there is a polling station at which a vote may be cast in his favour.
- Advance polls. The first two paragraphs do not apply to advance polls.
1989, c. 36, s. 34.
- Disqualification. **35.** A person who is convicted of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3) is disqualified from holding office as a representative or a poll runner.
- Duration. The disqualification shall continue for five years from the day on which the judgment convicting the person becomes *res judicata*.
1989, c. 36, s. 35; 1990, c. 4, s. 970; 1990, c. 35, s. 6; 2002, c. 10, s. 12; 2006, c. 51, s. 21.

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Power of attorney. **36.** The power of attorney shall be signed by the leader of the ticket, by the independent candidate or by the person designated for that purpose by the leader or candidate in a writing transmitted to the returning officer.

Power of attorney. The power of attorney shall be presented to the deputy returning officer.
1989, c. 36, s. 36.

Valid period. **37.** The power of attorney of a representative is valid for the duration of the poll and the counting of votes at the polling station to which he is assigned. The power of attorney of a poll runner is valid for the duration of the poll.
1989, c. 36, s. 37.

CHAPTER V ELECTION PROCEEDINGS

DIVISION I NOTICE OF ELECTION

Notice of election. **38.** Not later than 44 days before polling day, the returning officer shall give a public notice setting forth the following particulars:

(0.1) every office on the council that is open for nominations;

(1) the places, dates and hours for filing nomination papers;

(2) *(paragraph repealed)*;

(3) the fact that if two or more candidates are nominated for a seat of commissioner, an advance poll and a poll will be held to elect one of them;

(4) the date of the advance poll and the opening and closing times of the polling station or stations on that day;

(5) polling day and the opening and closing times of the polling station or stations on that day;

(6) the name of the election clerk;

(6.1) the names of the returning officer's assistants and of any of the assistants who are authorized to receive nomination papers;

(7) the telephone number and address of the office of the returning officer and the office telephone numbers and addresses of the returning officer's assistants.

Content. The notice shall also indicate that any elector who does not have a child to whom section 1 of the Education Act (chapter I-13.3) applies who is admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may serve the notice referred to in section 18, as well as the time period and address for service of such a notice.

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Copy. The returning officer shall transmit, as soon as practicable, a copy of the notice to the chief electoral officer and the Minister of Education, Recreation and Sports.

1989, c. 36, s. 38; 1995, c. 23, s. 78; 1997, c. 47, s. 61; 2000, c. 59, s. 5; 2002, c. 10, s. 13; 2006, c. 51, s. 22.

DIVISION II **LIST OF ELECTORS**

§6.– *Coming into force*

Copy to candidates. **60.** Not later than 35 days before polling day, the returning officer shall give to every candidate, free of charge and in the form requested, a copy of the list of electors for the electoral division where he has filed for nomination.

1989, c. 36, s. 60; 2002, c. 10, s. 22; 2006, c. 51, s. 35.

DIVISION III **NOMINATIONS AND TICKETS**

Nomination paper. **62.** A person wishing to be a candidate shall file a nomination paper at the office of the returning officer or of the assistant designated by the returning officer on the opening days and hours of the office, at any time from the fortieth day to 5:00 p.m. on the thirty-fifth day before polling day.

Designation of mandatary. A person wishing to be a candidate may designate in writing a person to act in his name as his mandatary for the purposes of this division.

1989, c. 36, s. 62; 2002, c. 10, s. 25; 2006, c. 51, s. 36.

Tickets. **63.** Candidates may be grouped into tickets recognized by the returning officer.

1989, c. 36, s. 63.

64. *(Repealed).*

2006, c. 51, s. 37.

Application. **65.** The leader of the ticket shall transmit to the returning officer, at any time from the forty-fourth to the thirty-fifth day before polling day, a written application for recognition setting forth the following particulars:

- (1) the name of the ticket;
- (2) the address to which communications intended for the ticket must be sent;
- (3) the name, address and telephone number of the leader of the ticket.

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- Supporting electors. The application must be accompanied by a list of the names, addresses and signatures of at least 10 electors of the school board who support the application.
1989, c. 36, s. 65; 2002, c. 10, s. 26; 2006, c. 51, s. 38.
- Recognition by returning officer. **66.** The returning officer shall grant the recognition to a ticket applying therefor in accordance with section 65.
- Misleading name. The returning officer shall refuse to recognize a ticket if its name includes the word “independent” or is likely to mislead the electors as to which ticket they are voting for.
- Duration of recognition. The recognition has effect for the purposes of the next general election and every by-election held before the general election following the next one.
1989, c. 36, s. 66; 2006, c. 51, s. 39.
- Change of ticket name. **67.** A recognized ticket is not authorized to change its name except with the approval of the returning officer. The returning officer shall refuse to approve any change if the proposed name includes the word “independent” or is likely to mislead the electors as to which ticket they are voting for.
- Approval. An application for approval is made by means of a writing from the leader of the ticket.
1989, c. 36, s. 67.
- Misleading name. **68.** The returning officer shall withdraw the recognition of a ticket which has changed its name to include the word “independent” or when the new name is likely to mislead the electors as to which ticket they are voting for.
1989, c. 36, s. 68; 2006, c. 51, s. 40.
- Content of nomination paper. **69.** The nomination paper shall state the name, date of birth and address of the candidate, indicate the division for which he is a candidate and include an affidavit certifying that he is eligible.
1989, c. 36, s. 69; 2002, c. 10, s. 27.
- Indication of ticket. **70.** The nomination paper of the candidate of a recognized ticket shall state that he is the candidate for that ticket.
1989, c. 36, s. 70.
- Signatures. **71.** The nomination paper shall be signed by the candidate and supported by at least ten electors of the electoral division for which the nomination paper is filed.
- Address. Each elector shall enter his address opposite his signature as it appears on the list of electors.
1989, c. 36, s. 71; 2002, c. 10, s. 28.

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- Proof of identity. **72.** The nomination paper shall be accompanied with a proof of the candidate's identity and a statement signed by him or his mandatary certifying that he knows the signatories, that they signed the nomination paper in his presence and that to the best of his knowledge, they are electors of the electoral division.
- Proof of identity. Proof of identity is an act of birth or any of the following: a certificate of Canadian citizenship, a Canadian passport, a driver's licence or probationary licence issued as a plastic card by the Société de l'assurance automobile du Québec, a health insurance card issued by the Régie de l'assurance maladie du Québec or a copy of a name change order.
- True copy. After examining the proof of identity, the returning officer shall keep a true copy and return the original to the person filing the nomination paper or his mandatary.
1989, c. 36, s. 72; 2002, c. 10, s. 29; 2006, c. 51, s. 41.
- Letter from leader. **73.** The nomination paper of the candidate of a recognized ticket must be accompanied with a letter signed by the leader of the ticket certifying that the person is its official candidate for the seat concerned.
1989, c. 36, s. 73.
- Information. **73.1.** The nomination paper may be accompanied by basic information for the electors.
- Information. The information is provided in the manner determined by the chief electoral officer and may include a text provided by the candidate, a photograph of the candidate and the address and number where the candidate may be reached by the electors.
- Compliance. The candidate is responsible for ensuring that the text provided is in compliance with the law and for ascertaining the quality of the language and the accuracy of the information provided. The document distributed under section 86.1 must mention that responsibility.
- Non-compliance. If the information is not provided in the manner determined by the chief electoral officer, the returning officer may refuse to distribute that information in the mailing referred to in section 86.1 if, having granted the candidate a reasonable time to comply, he does not receive the information duly modified on or before the nineteenth day before polling day.
2006, c. 51, s. 42.
- Restriction. **74.** No person may be a candidate for more than one school board or for more than one electoral division of a school board.
1989, c. 36, s. 74.

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- Name of candidate. **75.** A person may be a candidate under the name he ordinarily uses provided that it is the name by which he is commonly known in political, professional or social life and that he is acting in good faith.
1989, c. 36, s. 75.
- Filing. **76.** The returning officer shall receive, without delay, every nomination paper that is complete and accompanied by the required documents.
- Proof of nomination. The returning officer shall then issue an acknowledgement of receipt, which is proof of the nomination.
1989, c. 36, s. 76; 2006, c. 51, s. 43.
- Copy of nomination paper. **78.** Every candidate may obtain a copy of a nomination paper that has been accepted. The copy may be obtained free of charge at the office of the returning officer.
1989, c. 36, s. 78; 2002, c. 10, s. 32.
- Election by acclamation. **79.** If, at the end of the period for filing nomination papers, the returning officer has accepted only one nomination paper for an office or if only one candidate for that office remains, he shall declare that candidate elected.
- Holding of poll. In other cases, a poll must be held to determine which candidate will be elected to such office.
- Election by acclamation. Where, as a result of a withdrawal after the end of the period referred to in the first paragraph but before the close of the poll, there remains only one candidate for an office, the returning officer shall declare that candidate elected.
1989, c. 36, s. 79; 2002, c. 10, s. 33.
- Withdrawal of candidate. **81.** A candidate may withdraw at any time by filing with the returning officer a declaration to that effect bearing his signature.
1989, c. 36, s. 81.
82. (Repealed).
2006, c. 51, s. 44.
- New election. **84.** Subject to section 84.2, the returning officer shall recommence election proceedings to fill an office on the council of commissioners, where
- (1) no person is nominated as a candidate for the office before the end of the period prescribed for filing nomination papers or all the persons nominated have withdrawn before the end of the period;
 - (2) every candidate for the office withdraws after the end of the period referred to in paragraph 1 but before the close of the poll;

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(3) a candidate for the office dies after the end of the period referred to in paragraph 1 but before the close of the poll;

(4) all the ballot papers placed in the ballot box in favour of the candidates for the office have been rejected during the counting of the votes or, as the case may be, during the recount.

1989, c. 36, s. 84; 2002, c. 10, s. 36.

Date of new election. **84.1.** Within 30 days of ascertaining a situation justifying the recommencement, the returning officer shall fix the date of the poll on a Sunday in any of the four following months. Where that is the case, he shall notify the council of commissioners as soon as practicable of the date fixed for the poll.

List of electors. The persons entitled to have their names entered on the list of electors or to be candidates are the same as in the original election.

Deposit and revision. The list of electors in force shall be used and no new list need be prepared. The list shall be deposited as soon as practicable after publication of the notice of election. No revision of the list is required if the revision was completed for the purposes of the original election.

2002, c. 10, s. 36; 2006, c. 51, s. 45.

One recommencement only. **84.2.** Election proceedings may be recommenced only once.

Appointment by Minister. Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Education, Recreation and Sports, who may then appoint an eligible person to the office concerned or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

2002, c. 10, s. 36; 2005, c. 28, s. 195.

DIVISION IV

POLL

§1.– Notice of poll

Notice of poll. **85.** If the returning officer has received more than one nomination for an electoral division, he shall announce that a poll will be held by publishing a notice indicating

(1) for each division where a poll is necessary, the name and address of each candidate, in alphabetical order of the candidates' names;

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	<p>(2) the date, address and hours at or during which advance polling places will be open and the electors entitled to vote thereat;</p> <p>(3) the date, address and hours at or during which polling places will be open on polling day.</p>
Name of recognized ticket.	<p>The notice shall also indicate the name of the recognized ticket to which a candidate belongs, where that is the case.</p> <p><u>1989, c. 36, s. 85; 2002, c. 10, s. 37.</u></p>
Notice of poll.	<p>86. The notice of poll shall be published not later than 15 days before polling day.</p> <p><u>1989, c. 36, s. 86; 2002, c. 10, s. 38.</u></p> <p>§4.– <i>Materials required for the poll</i></p>
Identification of candidates.	<p>101. The ballot paper must allow each candidate to be identified.</p>
Content on obverse.	<p>The ballot paper must contain, on the obverse,</p> <p>(1) the full names of the candidates in alphabetical order of surnames, with the given name of each placed before his surname;</p> <p>(2) under each name, the name of the recognized ticket to which the candidate belongs, where such is the case;</p> <p>(3) a circle for the elector's mark opposite the particulars pertaining to each candidate.</p> <p><u>1989, c. 36, s. 101.</u></p>
Same name.	<p>103. Where several candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where applicable, above the indication of his membership in a recognized ticket.</p>
Drawing of lots.	<p>The order in which the particulars relating to each candidate for the same office who has the same name appear shall be determined by a drawing of lots carried out by the returning officer.</p> <p><u>1989, c. 36, s. 103; 2002, c. 10, s. 48.</u></p>
Particulars.	<p>103.1. The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the recognition of the ticket has been withdrawn or the name of the ticket appearing on the nomination paper is inaccurate.</p> <p><u>2002, c. 10, s. 48.</u></p>

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Late withdrawal. **105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

Information. The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate's withdrawal.

Nullity of vote. Any vote cast in favour of the candidate, before or after his withdrawal, is null.

1989, c. 36, s. 105; 2002, c. 10, s. 50.

Withdrawal of recognition. **105.1.** Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

2002, c. 10, s. 50.

CHAPTER X LEAVE WITHOUT PAY

Candidate's leave. **201.** Every employer shall, upon written request, grant a leave without pay to his employee who is a candidate at a school election.

1989, c. 36, s. 201.

Beginning of leave. **202.** The leave begins on the later of the following dates:

- (1) the day on which the employee becomes a candidate;
- (2) the first day for which the employee requested the leave.

End of leave. The leave ends on the day a person is declared elected to the office for which the employee was a candidate.

1989, c. 36, s. 202.

Employment unaffected. **204.** No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer an employee, or do anything that would adversely affect any of the benefits attached to his employment.

Continuous service. The leave does not interrupt the continuous service of the employee.

Contribution to plans. While on leave, the employee may continue to contribute to all the plans in which he is a participant provided he applies therefor in writing at the beginning of the leave and pays the totality of the premiums, including the employer's contribution.

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- Benefits. At the expiry of the leave, the employee is entitled to the benefits he would have received if he had been at work during that time.
1989, c. 36, s. 204.
- Complaints. **205.** An employee believing himself or herself to be the victim of a contravention of this chapter may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.
1989, c. 36, s. 205; 2001, c. 26, s. 104.
- Arbitration. **206.** An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the Commission des relations du travail. In that case, sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code (chapter C-27) apply, adapted as required.
- Concurrent procedures. The arbitrator shall refuse to hear the grievance if a complaint is filed with the Commission des relations du travail at the same time the grievance settlement and arbitration procedure is invoked.
1989, c. 36, s. 206; 2001, c. 26, s. 105.

CHAPTER XI

FINANCING OF CANDIDATES AND CONTROL OF ELECTION EXPENSES

DIVISION I

DEFINITIONS

- Interpretation. **206.1.** In this chapter,
- “election period”*; “election period” means the period beginning 44 days before polling day and ending on polling day at the time of closing of the polling station;
- “financial institution”*; “financial institution” means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (2000, chapter 29);
- “fiscal year”*; “fiscal year” means the calendar year.
- “candidate”*. In this chapter, the word “candidate” includes any person who subsequently becomes a candidate or has indicated an intention to become a candidate.
2002, c. 10, s. 80; 2006, c. 51, s. 72.

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DIVISION II CHIEF ELECTORAL OFFICER

- Chief electoral officer. **206.2.** The chief electoral officer shall see to the carrying out of this chapter.
- Studies. The chief electoral officer may conduct studies on the financing of candidates and their election expenses.
2002, c. 10, s. 80.
- Duties. **206.3.** The chief electoral officer shall, in particular,
- (1) authorize candidates;
 - (2) verify that the candidates are complying with this chapter;
 - (3) give directives on the carrying out of this chapter;
 - (4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer.
- The Chief Electoral Officer shall have access to all books, accounts and documents relating to the financial affairs of candidates.
- At the request of the Chief Electoral Officer, candidates must provide any information required for the purposes of this chapter within 30 days.
2002, c. 10, s. 80; 2010, c. 35, s. 31; 2011, c. 38, s. 56.
- Delegation of powers. **206.4.** The chief electoral officer may delegate to the returning officer of the school board, the exercise of any power or function he indicates as regards the authorization of a candidate.
- Delegation of powers. The returning officer may delegate in writing the exercise of any power or function referred to in the first paragraph to employees of the school board. The returning officer shall so advise the chief electoral officer.
2002, c. 10, s. 80.
- Director general. **206.5.** For the purposes of the carrying out of this chapter, the director general of a school board is under the authority of the chief electoral officer.
- Provision applicable. Section 30.1 applies, with the necessary modifications, to the director general of the school board.
2002, c. 10, s. 80.

DIVISION III AUTHORIZATION

- Authorization. **206.6.** Every candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the chief electoral officer in accordance with this division.

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- Application. An elector who undertakes to run as a candidate in the next general election may file an application for authorization from 1 January of the year in which the general election is to be held.
- Application. An elector who undertakes to run as a candidate in a by-election may file an application for authorization from the date on which the seat becomes vacant.
2002, c. 10, s. 80.
- Content. **206.7.** The application for authorization of such an elector must be made in writing and contain the following information:
- (1) the name, domiciliary address and telephone number of the candidate;
 - (2) the name of the school board where he intends to be a candidate for election to the council of commissioners;
 - (3) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept, if that address differs from the address under subparagraph 1;
 - (4) the names, domiciliary addresses and signatures of at least ten electors of the school board for which the application for authorization is filed declaring that they support the application for authorization, where it is filed before the filing of the nomination paper.
- Verification. The chief electoral officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.
- Validity. The authorization is valid only in respect of the school board mentioned in the application.
2002, c. 10, s. 80; 2006, c. 51, s. 73.
- Contributions. **206.8.** The authorization granted to a candidate entitles him to solicit and collect contributions until polling day.
- Payment of debts. After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses.
- Payment of debts. Where a candidate withdraws or is declared elected before polling day, his authorization entitles him, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election.
2002, c. 10, s. 80.

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- Expiration of authorization. **206.9.** The authorization granted to a candidate expires on 31 December of the year following the year of the election unless it is withdrawn before then or the candidate produces before then a financial report establishing that the candidate's debts arising from election expenses have been paid in full and that there are no sums remaining in the candidate's electoral fund.
- Expiration of authorization. The authorization of a candidate who was elected and who has not discharged all the debts arising from his election expenses by 31 December of the year following the year of the election expires on the date the financial report establishing that all the debts have been discharged is files.
2002, c. 10, s. 80; 2006, c. 51, s. 74.
- Withdrawal of authorization. **206.10.** The chief electoral officer may, upon the written application of a candidate, withdraw the candidate's authorization.
- Closing financial report. The application must be accompanied with a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the application. In addition, the application must be accompanied with the financial report for the preceding fiscal year where it has not been filed with the director general of the school board.
- Outstanding debts. Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of a candidate who has not paid all the debts arising from his election expenses.
- Withdrawal of authorization. The chief electoral officer may also withdraw the authorization of a candidate who contravenes Division IV or V.
2002, c. 10, s. 80.
- Death. **206.11.** The chief electoral officer shall withdraw the authorization of a candidate who dies.
- Failure to file nomination papers. The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.
2002, c. 10, s. 80.
- Remittance of assets. **206.12.** Where the authorization of a candidate is withdrawn, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after he is notified of the withdrawal.
2002, c. 10, s. 80.

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Required documents. **206.13.** A candidate whose authorization has been withdrawn shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,

(1) a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization;

(2) the preceding financial report, where it has not been filed with the director general of the school board;

(3) a list of his creditors including their names, addresses and the amounts due to each.

Additional information. In addition, the candidate shall, at the request of the chief electoral officer, remit to him any book, account or document relating to his financial business.

2002, c. 10, s. 80.

Liquidation of assets. **206.14.** The chief electoral officer shall liquidate the assets of the authorized candidate. He shall pay, *pro rata*, the debts of the candidate out of the sums remitted to him and the proceeds of the liquidation. The balance shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

2002, c. 10, s. 80.

Hearing. **206.15.** Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the candidate the reasons for his decision and an opportunity to be heard.

Summons. Every summons is made by registered or certified mail or by any other means considered valid by the chief electoral officer.

Exceptions. The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization or where the withdrawal of authorization is made at the request of the candidate.

2002, c. 10, s. 80.

Information. **206.16.** As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall make that information available to the public and notify the director general of the school board.

Publication of notice. The chief electoral officer shall also publish a notice to that effect in a newspaper having general circulation in the territory of the school board.

2002, c. 10, s. 80.

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DIVISION IV **CONTRIBUTIONS, EXPENSES AND LOANS**

Contributions. **206.17.** The following are contributions:

- (1) any gift of money to an authorized candidate;
- (2) any service rendered or goods furnished to an authorized candidate free of charge and for election purposes;
- (3) any money, goods or services furnished by the authorized candidate himself for the purposes of his election, except money used to pay an expense referred to in section 206.37.

Contribution. Where goods or services are furnished for election purposes to an authorized candidate at a price lower than their value, the difference constitutes a contribution.

Value of goods or services. For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the authorized candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the authorized candidate.

2002, c. 10, s. 80.

Exclusions. **206.18.** The following are not contributions:

- (1) the work performed by individuals, voluntarily and not for consideration, and the fruit of that work;
- (2) *(paragraph repealed)*;
- (3) an amount paid under any Act, including a reimbursement under section 207;
- (4) a loan granted for election purposes, by an elector of the school board or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;
- (5) suretyship contracted by an elector of the school board;
- (6) at the option of the authorized candidate, applied equally to all the participants, an entrance fee to an electoral activity or rally, where the fee is not over \$60 per day, up to one admission per person; the total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;

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(6.1) ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer's directives;

(7) time or space made available free of charge, during the election period, in accordance with section 206.46.

2002, c. 10, s. 80; 2010, c. 32, s. 30.

- Electors. **206.19.** Only an elector of a school board may make a contribution to a candidate in the territory of that school board.
- Authorization. An elector may make a contribution only in favour of a candidate holding an authorization that is valid for the school board.
- 2002, c. 10, s. 80.
- Restriction. **206.20.** Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.
- 2002, c. 10, s. 80; 2010, c. 32, s. 31.
- Maximum amount. **206.21.** The total amount of contributions by the same elector for the same fiscal year shall not exceed \$1 000 to each of the authorized candidates.
- 2002, c. 10, s. 80; 2006, c. 51, s. 75.
- Solicitation. **206.22.** Contributions shall not be solicited except by the authorized candidate himself or through persons the authorized candidate designates in writing for that purpose. The person who receives a contribution shall issue a receipt to the contributor in the form prescribed by the Chief Electoral Officer.
- The receipt must include the contributor's given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.
- 2002, c. 10, s. 80; 2010, c. 32, s. 32.
- Cheque. **206.23.** Every contribution of money of \$100 or more must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized candidate.
- 2002, c. 10, s. 80; 2010, c. 35, s. 32.

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Deemed payment. **206.24.** On being cashed, a contribution is deemed paid by the person who made it and received by the authorized candidate for whom it is intended.

2002, c. 10, s. 80.

Deposit of funds. **206.25.** The authorized candidate shall deposit, in a Québec branch of a financial institution, the funds obtained by the authorized candidate in such capacity.

2002, c. 10, s. 80.

Illegal contribution. **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.

2002, c. 10, s. 80; 2010, c. 36, s. 10.

206.26.1. An authorized candidate who, during election activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the authorized candidate collected during that period must, within 30 days after the report is filed, remit to the director general of the school board an amount equal to the part of the amounts collected that exceeds that percentage.

The director general shall pay the amount into the general fund of the school board.

2010, c. 32, s. 33.

206.27. *(Repealed).*

2002, c. 10, s. 80; 2010, c. 32, s. 34.

Authorization of expenses. **206.28.** No person other than an authorized candidate may incur or authorize election expenses.

2002, c. 10, s. 80.

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- Loans. **206.29.** Every loan made by an authorized candidate for election purposes shall be evidenced in a writing setting out the name and address of the lender, the date, amount term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.
- Suretyship. Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.
2002, c. 10, s. 80.
- Maximum amount. **206.30.** The total of the following amounts shall not, for a given elector, exceed \$10 000:
(1) the outstanding principal of any loan granted by the elector to one or more authorized candidates; and
(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized candidates.
2002, c. 10, s. 80.
- Payment of loan interest. **206.31.** An authorized candidate must, at least once a year, pay the interest due on the loans he has contracted.
2002, c. 10, s. 80.
- Repayment of loan. **206.32.** No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 206.39 or which has been used by an authorized candidate to pay election expenses.
2002, c. 10, s. 80.
- DIVISION V**
ELECTION EXPENSES
- Interpretation. **206.33.** For the purposes of sections 206.35 and 206.41 to 206.44, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the expression “authorized candidate” includes a private intervenor within the meaning of Division VIII, if the private intervenor is an elector, and a representative of such an intervenor if the private intervenor is a group of electors.
2002, c. 10, s. 80.
- Election expenses. **206.34.** The cost of any goods or services used during an election period to
(1) promote or oppose, directly or indirectly, the election of a candidate,

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(2) propagate or oppose the program of a candidate,

(3) approve or disapprove courses of action advocated or opposed by a candidate, or

(4) approve or disapprove any act done or proposed by a candidate,

is an election expense.

2002, c. 10, s. 80.

Use before and during
election period.

206.35. Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

2002, c. 10, s. 80.

Exclusions.

206.36. The following are not election expenses:

(1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes of or with a view to the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) 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 in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

(3) the transportation costs of any person other than an authorized candidate, paid out of his own money, if the costs are not reimbursed to him;

(4) the cost of the food and beverages served at an electoral activity where the cost is included in the entrance fee paid by participants;

(5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an authorized candidate;

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(6) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an authorized candidate for election expenses, unless the authorized candidate has paid the interest and declared it as an election expense in his return of election expenses;

(7) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of an authorized candidate;

(8) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII, without directly promoting or opposing a candidate, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots.

2002, c. 10, s. 80.

Personal expenses. **206.37.** The reasonable costs incurred by an authorized candidate for transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity.

2002, c. 10, s. 80.

Authorization of expenses. **206.38.** During an election period, no person other than an authorized candidate may incur or authorize election expenses.

2002, c. 10, s. 80.

Election fund. **206.39.** In no case may an authorized candidate pay the cost of any election expense otherwise than out of an election fund.

Presumption. Any election expense referred to in section 206.35 that has been paid is deemed to have been paid out of an election fund.

2002, c. 10, s. 80.

Payment into election fund. **206.40.** No sums of money other than those collected in accordance with this chapter by an authorized candidate may be paid by him into his election fund or be used by the candidate to pay any election expense referred to in section 206.35.

Deposite. The candidate must deposit the sums paid into the election fund in an account opened for that purpose at a Québec branch of a financial institution.

2002, c. 10, s. 80; 2006, c. 51, s. 77.

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- Use of goods and services. **206.41.** No goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35 may be used during an election period except by an authorized candidate.
2002, c. 10, s. 80.
- Order for election expenses. **206.42.** No person may accept or execute an order for election expenses not given or authorized by an authorized candidate.
2002, c. 10, s. 80.
- Price of goods and services. **206.43.** No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period, or refuse to be paid for them.
- Volunteer work. Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 206.18.
2002, c. 10, s. 80.
- Advertising material. **206.44.** Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured.
- Newspaper advertisement. Any advertisement relating to an election published in a newspaper or other publication must mention the name of the authorized candidate who caused it to be published.
- Radio, television advertisement. In the case of an advertisement relating to an election broadcast on radio or television or circulated by means of any other information medium or technology, the name of the authorized candidate must be mentioned at the beginning or at the end of the advertisement.
- Presumption. Any goods or services all or part of the cost of which constitutes an election expense shall be deemed to relate to an election.
2002, c. 10, s. 80.
- Private intervenor. **206.45.** Where, pursuant to section 206.33, a writing, object, material, advertisement or publicity referred to in section 206.44 must mention the name and title of the private intervenor referred to in Division VIII of this chapter or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 209.13.

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- Cost exceeding \$300. Where the cost of the writing, object, material, advertisement or publicity referred to in section 206.44 exceeds \$300, only the name and title of the authorized candidate may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.
2002, c. 10, s. 80.
- Free time or space. **206.46.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office.
- Verification. The chief electoral officer shall verify the legality of services rendered under this section.
2002, c. 10, s. 80.
- Maximum amount. **206.47.** The amount of election expenses incurred by an authorized candidate during an election must not exceed \$2 700, increased by \$0.42 per person entered on the list of electors of the electoral division.
- Number of persons. The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.
- Adjustment. The government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The government shall publish the results of the adjustment in the *Gazette officielle du Québec*.
2002, c. 10, s. 80.
- Required invoice. **206.48.** Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.
- Itemized invoice. Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.
2002, c. 10, s. 80.
- Presentation of claim. **206.49.** Every person to whom an amount is due for election expenses shall present his claim to the authorized candidate within 60 days after polling day.

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- Expiry of time. No claim presented after the expiry of the prescribed time may be paid by the candidate. The claim shall in that case be presented to the director general of the school board within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.
2002, c. 10, s. 80.
- Payment by authorized candidate. **206.50.** Before filing his return of election expenses, the authorized candidate shall pay every claim received within 60 days after polling day, except any claim he contests.
2002, c. 10, s. 80.
- Payment by director general. **206.51.** The director general of the school board shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 209.5 and according to the rules provided in sections 206.52 and 206.53, every claim received within 120 days after the expiry of the time prescribed for presenting claims to the candidate.
2002, c. 10, s. 80.
- Payment in full. **206.52.** The director general of the school board shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the candidate.
- Excess amount. Any excess amount shall be deposited into the general fund of the school board after the one hundred and eightieth day after polling day.
2002, c. 10, s. 80.
- Insufficient funds. **206.53.** Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the director general of the school board shall advise the authorized candidate and forward the invoice to him as soon as practicable.
- Contestation of claim. The candidate may in that case contest all or part of the claim.
- Additional cheque. Where the authorized candidate does not contest the claim, or contests it in part, the authorized candidate shall, if necessary, forward to the director general an additional cheque made to the order of the school board to enable him to pay the claim or the uncontested part thereof.
- Payment of claim. The director general shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the candidate or, where such is the case, after he receives the additional cheque.
2002, c. 10, s. 80.

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- Failure to present claim. **206.54.** Any amount set aside for a claim that is not presented to the director general of the school board within the prescribed time shall be deposited into the general fund of the school board.
2002, c. 10, s. 80.
- Contested claim. **206.55.** In no case may an authorized candidate pay a contested claim or the contested part of a claim except in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.
- Error in good faith. Notwithstanding the foregoing, where no candidate objects, the director general of the school board may authorize the candidate to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to an authorized candidate, the payment thereof may be contested only by a candidate for the same office.
2002, c. 10, s. 80.
- Debts of authorized candidates. **206.56.** Every authorized candidate is required as of 31 December of the year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.
2002, c. 10, s. 80.

DIVISION VI

REIMBURSEMENT OF ELECTION EXPENSES

- Reimbursement to authorized candidate. **207.** Every authorized candidate who has been elected or has obtained at least 15% of the votes cast at the election for the office concerned is entitled to a reimbursement by the director general of the school board out of the school board's general fund of his election expenses reported in the return of election expenses and incurred and paid in accordance with Division V of this chapter.
- Entitlement. An authorized candidate at an election where proceedings are recommenced by reason of the death of a candidate is also entitled to a reimbursement.
- Amount. The amount of the reimbursement shall be fixed in accordance with the rules determined by government regulation.
- Maximum amount. However, the amount of the reimbursement shall not exceed the total of the amount of the debts arising from the election expenses of the authorized candidate and the amount of his personal contribution.
1989, c. 36, s. 207; 2002, c. 10, s. 80.

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Prohibition. **208.** No reimbursement shall be made to an authorized candidate until he has filed the report and return provided for in sections 209 and 209.4.

1989, c. 36, s. 208; 2002, c. 10, s. 80.

DIVISION VII **REPORTS AND RETURNS OF CANDIDATES**

Financial report. **209.** Every authorized candidate at an election for the office of member of the council of commissioners shall, within 90 days after polling day, transmit to the director general of the school board a financial report, in the form prescribed by the chief electoral officer, containing a list of the electors who made certain election contributions to that authorized candidate.

List. The list shall indicate the full name and address of each elector who made one or more contributions totalling \$100 or more to the authorized candidate, and indicate the amount contributed by each elector.

1989, c. 36, s. 209; 2002, c. 10, s. 80; 2010, c. 35, s. 33.

Content. **209.1.** The report mentioned in section 209 shall also indicate

- (1) *(paragraph repealed)*;
- (2) the number and total amount of contributions of less than \$100;
- (3) the number and total amount of entrance fees of \$60 or less collected at an election activity or rally, and the nature, place and date of the activity or rally;
- (3.1) the total amount of ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer's directives, how that revenue breaks down, and the nature, place and date of the activity or rally;
- (4) the number and total amount of contributions of \$100 or more;
- (5) the name and full address of each elector who became surety for a loan of the authorized candidate and the amount for which he became surety;
- (6) an itemized statement of the amounts borrowed for election purposes from an elector or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest;
- (7) the financial institution where the funds collected are deposited and the account number used;

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(8) the total value of the goods and services furnished to the authorized candidate free of charge and for electoral purposes, taking account of the second and third paragraphs of section 206.17.

2002, c. 10, s. 80; 2010, c. 32, s. 35; 2010, c. 35, s. 34.

- Period. **209.2.** The financial report must cover the period ending the day before the filing. The report must be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.
- 2002, c. 10, s. 80.
- Yearly report. **209.3.** If, on the day he files a financial report provided for in section 209, an authorized candidate still has debts arising from his election expenses or is in possession of sums of money or goods obtained by the authorized candidate in his capacity as such, the authorized candidate shall file a financial report with the director general of the school board not later than 1 April of the year immediately following each fiscal year in which the authorized candidate remained authorized after the filing of his first financial report.
- Final report. Notwithstanding the foregoing, the authorized candidate is not required to file any further financial reports after the filing of a financial report establishing that all the debts referred to in the first paragraph have been paid.
- Period covered. The report, other than that provided for in section 209, establishing that all debts arising from the authorized candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.
- 2002, c. 10, s. 80.
- Return of election expenses. **209.4.** The authorized candidate must, within 90 days after polling day, file a return of election expenses, in the form prescribed by the chief electoral officer, with the director general of the school board at the same time as he files his financial report.
- Attestation. The return must include a statement by the candidate attesting the accuracy of the return.
- Accompanying documents. The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.
- Contested claims. The return must also mention any claim the authorized candidate is contesting among those he received within 60 days after polling day.
- 2002, c. 10, s. 80.

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- Unfiled claims. **209.5.** The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and, for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.
- Cheque. The statement must be accompanied with a cheque for the total amount of such claims made payable to the order of the school board.
- Applicability. The first and second paragraphs do not apply to claims the authorized candidate intends to contest.
2002, c. 10, s. 80.
- Remittance. **209.6.** Any balance of the sums held by an authorized candidate in his election fund on 31 December of the year following that of polling day, shall be remitted to the director general of the school board to be deposited into the general fund of the school board. The goods held by the authorized candidate on that date belong to the school board and shall be remitted to the school board.
2002, c. 10, s. 80.
- Transmission to chief electoral officer. **209.7.** The director general of the school board shall, on request, transmit to the chief electoral officer a copy of the reports, returns and other documents required by this chapter and not already in his possession, except receipts issued for contributions of less than \$100.
2002, c. 10, s. 80; 2006, c. 51, s. 78; 2010, c. 35, s. 35.
- 209.8.** The director general of the school board shall keep the reports, returns and other documents required by this chapter for five years following their receipt.
- Invoices and vouchers. After the expiry of five years following the receipt of invoices and other vouchers, the director general of the school board may, on request, return them to the authorized candidate. Failing such a request, the director general may destroy them.
2002, c. 10, s. 80; 2010, c. 35, s. 36.

DIVISION VIII

EXPENSES OF PRIVATE INTERVENORS

- Private intervenor. **209.9.** Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.
2002, c. 10, s. 80.

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Application for authorization.

209.10. An elector who applies for authorization must

- (1) indicate his name, date of birth, domiciliary address and telephone number;
- (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;
- (5) declare that he is not acting directly or indirectly on behalf of any candidate;
- (6) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

2002, c. 10, s. 80.

Application for authorization.

209.11. A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders;
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate;
- (8) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

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- Application for authorization. The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.
2002, c. 10, s. 80.
- Application for authorization. **209.12.** An application for authorization must be filed with the chief electoral officer of the school board of which the applicant is an elector.
- Period. The application must be filed at any time from the forty-fourth to the twentieth day before polling day.
2002, c. 10, s. 80.
- Issue of authorization. **209.13.** The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.
- Rejection. Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.
2002, c. 10, s. 80.
- List of authorization. **209.14.** Not later than the fifteenth day before polling day, the returning officer shall transmit to each candidate a list of the authorizations that have been granted.
- Content. The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.
2002, c. 10, s. 80.
- Election period. **209.15.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.
- Restriction. The representative of a group of electors may only act for that group.
2002, c. 10, s. 80.
- Resignation. **209.16.** The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.
- Report and vouchers. Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.
2002, c. 10, s. 80.

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Representative. **209.17.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

2002, c. 10, s. 80.

Restriction on expenses. **209.18.** A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate.

2002, c. 10, s. 80.

Restriction on expenses. **209.19.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

2002, c. 10, s. 80.

Expenses. **209.20.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.

Expenses. A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.

Payment of expenses. A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or financial services cooperative having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

2002, c. 10, s. 80.

Expenses. **209.21.** In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.

Representative. The representative of a private intervenor is bound by the provisions of sections 209.18 to 209.20 and must ensure that they are complied with.

2002, c. 10, s. 80.

Voucher. **209.22.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

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

2002, c. 10, s. 80.

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- Filing of report. **209.23.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the returning officer a report of all the private intervenor's expenses, in the prescribed form.
- Accompanying documents. The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.
2002, c. 10, s. 80.
- Provisions applicable. **209.24.** Sections 209.7, 209.8 and 209.30 apply to the report referred to in section 209.23, with the necessary modifications.
2002, c. 10, s. 80.
- Withdrawal. **209.25.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;
 - (2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization;
 - (3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.
- Observations and corrections. Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.
2002, c. 10, s. 80.
- Appeal. **209.26.** Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.
- Service of motion. The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.
- Appeal. The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.
- Decision. The decision of the judge is final.
2002, c. 10, s. 80.

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DIVISION IX SANCTIONS

Failure to file report. **209.27.** A candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend, as a member, the sittings of the council of commissioners from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 209.29.

2002, c. 10, s. 80.

Right to attend sittings. **209.28.** The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the school board;

(2) any other board, committee or commission of which the person is a member by reason of the fact that he is a member of the council of commissioners.

2002, c. 10, s. 80.

Additional period. **209.29.** A judge may, by order, on a motion made before the person loses the right to attend the sittings of the council of commissioners, allow him to continue to do so for an additional period of not more than 30 days.

2002, c. 10, s. 80.

Extension. **209.30.** On proof that the candidate's failure to file the report or return is due to the absence, death or illness of the candidate or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Penalty Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

2002, c. 10, s. 80.

Correction of error. **209.31.** Where an error is found in a report or return that has been filed, the candidate may correct it at any time within the period prescribed for filing the report or return.

Opposition. After the period prescribed for filing, the candidate 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 correction shall be submitted to the chief electoral officer.

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- Decision. If there is no opposition to the application or the chief electoral officer considers that the opposition is not justified, the chief electoral officer shall allow the correction. Otherwise, the candidate shall apply for leave to the judge having jurisdiction.
2002, c. 10, s. 80.
- Judge. **209.32.** The judge having jurisdiction to rule on a motion under sections 209.29 to 209.31 is a judge of the Court of Québec of the judicial district where all or part of the territory of the school board is situated.
- Notice. No motion made under any of sections 209.29 to 209.31 may be heard unless a notice of at least three clear days is given by the applicant to the director general of the school board and to every candidate for the office concerned at the last election.
2002, c. 10, s. 80.
- Failure to pay debts. **209.33.** A candidate who is elected and who, on 31 December of the year following that of polling day, has not paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of commissioners from that date and until he has paid all such debts and filed a financial report establishing that he has done so.
- Right to attend sittings. The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of the boards, committees and commissions referred to in section 209.28.
2002, c. 10, s. 80.
- Notification. **209.34.** If at the expiry of the prescribed time the director general of the school board has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of the council of commissioners of such failure and of the effects thereof.
- Notification. If on 31 December of the year following that of polling day, the director general of the school board has not received the elected candidate's financial report establishing that all debts arising from election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.
2002, c. 10, s. 80.
- Notification. **209.35.** As soon as practicable after a person has lost the right to attend the sittings of the council of commissioners, the director general of the school board shall notify the council and any other board or committee whose sittings he is no longer entitled to attend.

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- Notification. The director general shall also notify them as soon as practicable where the person recovers the right to attend the sittings of the council of commissioners.
2002, c. 10, s. 80.
- Loss of remuneration. **209.36.** A person who loses the right to attend the sittings of the council of commissioners consequently loses the right to receive the remuneration or allowance provided for the period during which he is not authorized to attend.
2002, c. 10, s. 80.

CHAPTER XII GENERAL PROVISIONS

- Amount of expenses. **210.** The government shall, by regulation, determine rules for the fixing of the amount of election expenses that may be reimbursed to a person who is a candidate for the office of school commissioner.
- Coming into force. The regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.
1989, c. 36, s. 210.

CHAPTER XIII PENAL PROVISIONS

- Offences. **213.** Every person who
- (1) offers himself as a candidate knowing he is not eligible as a commissioner,
 - (2) supports a nomination when he is not an elector in the electoral division for which the nomination is filed,
 - (3) offers himself as a candidate in more than one electoral division of the same school board,
 - (4) knowingly spreads false news of the withdrawal of a candidate,
 - (5) affixes a name that is not his own as a supporting signature on a nomination paper,
 - (6) in his capacity as a candidate or mandatary, collects supporting signatures and falsely declares that he knows the persons whose names appear on the nomination paper, that they have signed in his presence or that they are electors of the electoral division,
 - (7) collects supporting signatures without being a candidate or mandatary, or

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(8) being a returning officer, accepts a nomination paper that does not meet the requirements or is not accompanied with all the required documents.

is guilty of an offence.

1989, c. 36, s. 213; 2002, c. 10, s. 84; 2006, c. 51, s. 80.

Offences. **218.** Every employer who

(1) contravenes any of sections 201 to 204, or

(2) uses his authority or his influence to incite any of his employees to refuse to become a candidate or an election officer or to abandon that office after having accepted it,

is guilty of an offence.

1989, c. 36, s. 218.

Offences. **219.** Every person who

(1) being a candidate, or with a candidate's consent, attempts to influence the vote of an elector or to induce him to abstain from voting by promising or giving him any benefit, or

(2) to obtain or because he has obtained a benefit, votes or agrees to vote for a candidate or abstains or agrees to abstain from voting,

is guilty of an offence.

Exceptions. The foods or non-alcoholic beverages served or consumed at a meeting held by a candidate or the candidates on a recognized ticket do not constitute benefits for the purposes of the first paragraph.

1989, c. 36, s. 219.

Offences. **219.2.** Every candidate who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 206.47,

(2) files a false report, return or statement,

(3) produces a false or falsified invoice, receipt or other voucher,

(4) allows an election expense to be incurred or paid otherwise than as allowed under this Act, or

(5) after filing the report or return required under sections 209 and 209.4, pays a claim otherwise than as permitted by section 206.55,

is guilty of an offence.

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False declaration. Every elector referred to in section 209.10 or in the last paragraph of section 209.11 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.3.** Every person who

- (1) *(paragraph repealed)*;
 - (2) makes a false invoice, receipt or voucher, or
 - (3) falsifies an invoice, receipt or voucher,
- is guilty of an offence.

2002, c. 10, s. 87; 2010, c. 32, s. 36.

Offences. **219.4.** The following persons are guilty of an offence:

- (1) every unauthorized candidate who solicits or collects contributions, incurs expenses or contracts loans;
- (2) every unauthorized candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted in his name;
- (3) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized candidate;
- (4) every person who makes a contribution to a person with the knowledge that he is not an authorized candidate or a person designated by the latter in writing to solicit and collect contributions.

2002, c. 10, s. 87.

Offence. **219.5.** Every authorized candidate who has not, before filing his return of election expenses, paid all the claims received for such expenses, except any claim he contests, at the latest 60 days after polling day is guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.6.** Every director general of a school board who

- (1) reimburses an authorized candidate for election expenses otherwise than in circumstances described in section 207, or
 - (2) reimburses an authorized candidate for election expenses before the candidate's return of election expenses has been filed with him,
- is guilty of an offence.

2002, c. 10, s. 87.

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Offences. **219.7.** Every authorized candidate who, after polling day, after the candidate withdraws or after the candidate is declared elected before polling day, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred,

(2) disposes or allows a person to dispose, contrary to section 209.6, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such,

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts resulting from election expenses then incurred, or

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts resulting from election expenses then incurred,
is guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.8.** The following persons are guilty of an offence:

(1) every authorized candidate or person designated by an authorized candidate to solicit and collect contributions who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the school board;

(b) the contribution is not being made by the elector himself;

(b.1) the contribution is not being made voluntarily by the elector;

(b.2) the elector is receiving compensation or consideration, or is being reimbursed;

(c) the contribution is not being made out of the elector's own property;

(d) the contribution causes the elector to exceed the maximum prescribed in section 206.21;

(e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 206.17;

(2) every person who makes a contribution referred to in paragraph 1;

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(3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;

(4) every elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

2002, c. 10, s. 87; 2010, c. 32, s. 37.

Offences. **219.9.** Every candidate or person designated by a candidate to solicit and collect contributions who

(1) collects contributions without issuing a receipt to the contributor,

(2) collects a contribution of money of \$100 or more made otherwise than by cheque or other order of payment, or

(3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec,

is guilty of an offence.

2002, c. 10, s. 87; 2010, c. 35, s. 37.

Offence. **219.10.** Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized candidate during an election period without offering such service equitably as to quality and quantity to the other candidates for the same office, is guilty of an offence.

Offence. A person referred to in the first paragraph who circulates an advertisement in favour of an authorized candidate or causes it to be circulated free of charge by means of any other information medium or technology than those referred to in that paragraph without offering such service equitably as to quality and quantity to the other candidates for the same office, is also guilty of an offence.

2002, c. 10, s. 87.

Offences. **219.11.** Every candidate who

(1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 206.29,

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(2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 206.29,

(3) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 206.30 in respect of the elector will be exceeded,

(4) fails to pay the yearly interest payable on the loans he has contracted, or

(5) uses sums of money other than those collected in accordance with Chapter XI to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 206.39 or which has been used by him to pay election expenses,

is guilty of an offence.

Offence. Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 206.30 will be exceeded.

2002, c. 10, s. 87.

Offences. **219.12.** The following persons are guilty of an offence:

(1) every authorized candidate who pays into his election fund sums of money other than those collected in accordance with Chapter XI;

(2) every authorized candidate who uses, to pay an election expense referred to in section 206.35, sums of money other than those collected in accordance with Chapter XI;

(3) every authorized candidate who pays any election expenses otherwise than out of his election fund.

2002, c. 10, s. 87.

Offence. **219.13.** Every person who incurs or authorizes an election expense or uses, during the election period, goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35, without being a candidate, is guilty of an offence.

Interpretation. For the purposes of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 87; 2010, c. 32, s. 38.

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Offences. **219.14.** Every person who

(1) accepts or executes an order for election expenses that is not given or authorized by an authorized candidate,

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price that is different from the regular price for similar goods or services outside the election period, or

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work referred to in paragraph 1 of section 206.18,

is guilty of an offence.

Interpretation. For the purposes of this section, the expression “election expenses” includes expenses referred to in paragraph 8 of section 206.36 and the expression “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector and the representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 87; 2010, c. 32, s. 39.

Offences. **219.15.** The following persons are guilty of an offence:

(1) a printer or manufacturer who does not mention on any advertising copy, object or material that the printer or manufacturer knows to be related to an election, the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured;

(2) the owner of a newspaper or other publication who allows the publication of an advertisement that the owner knows to be related to an election without the name of the authorized candidate who caused it to be published being mentioned in the advertisement;

(3) a radio or television broadcaster who allows the broadcasting of an advertisement that the broadcaster knows to be related to an election without the name of the authorized candidate who caused it to be broadcast being mentioned at the beginning or at the end of the advertisement;

(4) a person who circulates or allows the circulation of an advertisement that the person knows to be related to an election by means of any information medium or technology other than those referred to in subparagraphs 1 to 3 without the name of the authorized candidate being mentioned at the beginning or at the end of the advertisement.

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Interpretation. For the purposes of this section, the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

2002, c. 10, s. 87.

Offence. **219.16.** Every person who contravenes any of the provisions of sections 206.45, 209.15 and 209.17 to 209.22 is guilty of an offence.

2002, c. 10, s. 87.

Offence. **219.17.** Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars provided for in section 206.48 is guilty of an offence.

2002, c. 10, s. 87.

Offence. **219.18.** Every private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to file the report prescribed in section 209.23 within the time fixed in that section is guilty of an offence.

2002, c. 10, s. 87.

Offence. **219.19.** Every person who attends a sitting of a board, committee or commission as a member thereof, with the knowledge that he has lost the right to do so under this Act, is guilty of an offence.

2002, c. 10, s. 87.

Offence. **219.20.** Every person who contravenes a provision of this Act or of a regulation made under this Act, not otherwise covered by another provision of this Chapter, is guilty of an offence.

2006, c. 51, s. 82.

Offence. **219.21.** Every person who attempts to commit an act described in section 219.4, to the extent that it pertains to a contribution, or section 219.8, 219.12 or 219.13 is guilty of an offence.

2010, c. 32, s. 40.

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Fines. **220.** Every person who is guilty of an offence under section 212.1, either of paragraphs 2 and 3 of section 213, any of paragraphs 1 to 3, 6, 7 and 9 of sections 214 or section 218 is liable to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000, and for any subsequent conviction, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person, or in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

1989, c. 36, s. 220; 1990, c. 4, s. 972; 2002, c. 10, s. 88.

Fines. **221.** Every person who is guilty of an offence under section 213, either of paragraphs 1 and 4 to 8 of section 213, any of paragraphs 4, 5, 8 or 10 of section 214 or section 215 or 216 is liable to a fine of not less than \$500 nor more than \$5 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$15 000 and, for any subsequent conviction, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$30 000.

1989, c. 36, s. 221; 1990, c. 4, s. 273; 2002, c. 10, s. 89; 2010, c. 32, s. 41.

Fines. **221.1.** Every person who is guilty of an offence under any of sections 219.1 and 219.3, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to an expense or a loan, paragraph 4 of that section and sections 219.5 to 219.7, 219.10, 219.11 and 219.14 to 219.18 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of \$3,000 to \$30,000.

2002, c. 10, s. 90; 2010, c. 32, s. 42; 2011, c. 38, s. 57.

221.1.0.1. Every person who commits an offence under section 219.2 is liable to a fine of not less than \$5,000 nor more than \$20,000.

2011, c. 38, s. 58.

221.1.1. Every person who commits an offence under any of sections 217 and 219, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to a contribution, and sections 219.8, 219.9, 219.12, 219.13 and 219.21 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

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If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 219.8, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

2010, c. 32, s. 43.

221.1.2. From the date of the judgment of conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence for contravening any of sections 206.19, 206.20 and 206.21 or an offence under any of paragraphs 2 to 4 of section 219.8. The prohibition applies for a period of three years from the date of the judgment of conviction or, in the case of a subsequent conviction within 10 years, for a period of five years from the date of the subsequent conviction.

Similarly, from the date of an order under section 221.1.3, no public contract may be entered into with a legal person or partnership named in the order. The prohibition applies for a period of three years from the date of the order or, if the legal person or partnership has been the subject of an earlier order, for a period of five years from the date of the new order.

As soon as the judgment of conviction is rendered or the order under section 221.1.3 is issued, the prohibition applies despite any appeal or other remedy.

However, in the case of an appeal or other remedy against the judgment of conviction or the order, a judge may, on a motion, suspend the prohibition if the judge considers that it is in the public interest, taking into account, among other things,

- (1) the spirit of the law;
- (2) the fact that, on the face of it, the judgment of conviction appears to be ill-founded;
- (3) the existence of exceptional circumstances, if the matter is a serious one and there is colour of right;
- (4) any serious and irreparable harm suffered; and
- (5) the balance of convenience and the fact that the public interest must override any private interest.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following is party:

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- (1) a public body, government agency or government enterprise within the meaning of the Auditor General Act (chapter V-5.01);
- (2) the Université du Québec or its constituent universities, research institutes or superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);
- (3) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and not referred to in subparagraph 2;
- (4) a general and vocational college established under the General and Vocational Colleges Act (chapter C-29);
- (5) a school board governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;
- (6) a private institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);
- (7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;
- (8) a public or private institution under agreement governed by the Act respecting health services and social services (chapter S-4.2);
- (9) the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5);
- (10) a municipality or a body within the meaning of section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);
- (11) a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);
- (12) a regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or a local development centre constituted under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01); or
- (13) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011).

2010, c. 32, s. 43.

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221.1.3. If a natural person has been convicted of an offence under a provision referred to in the first paragraph of section 221.1.2 committed while the person was a director, officer or partner of a legal person or partnership, the person is presumed to have committed the offence for the benefit of or with a view to benefiting the legal person or partnership.

The Chief Electoral Officer may, after a judgment of conviction is rendered against the person, apply to the Superior Court for an order stating that section 221.1.2 applies to the legal person or partnership. The onus is on the legal person or partnership to prove, on the balance of probabilities, that the offence was not committed for its benefit or with a view to benefiting it.

2010, c. 32, s. 43.

221.1.4. The Chief Electoral Officer shall keep a register of the persons and partnerships referred to in the first and second paragraphs of section 221.1.2, which states, for each one,

- (1) in the case of a natural person, the person's name and the name of the municipality in which the person resides;
- (2) in the case of a legal person or partnership, its name and the address of its principal establishment in Québec;
- (3) the penalty and any other measure imposed by the judge;
- (4) the date on which the prohibition from entering into a public contract ends; and
- (5) any other information the Chief Electoral Officer considers to be in the public interest.

The information contained in the register is public information, and the Chief Electoral Officer must make it available to the public, including on its website.

2010, c. 32, s. 43.

221.1.5. Every person who enters into a contract with a department or body mentioned in the fifth paragraph of section 221.1.2 in contravention of that section is liable to a fine corresponding to the value of any consideration received by the person or payable to the person under the contract.

2010, c. 32, s. 43.

Fine. **221.2.** Every person who fails to file a report or return required by Chapter XI is liable to a fine of \$50 for each day of delay.

2002, c. 10, s. 90.

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Fine. **221.3.** Every person who is guilty of an offence under section 219.19 is liable to a fine of \$50 to \$500 for each sitting attended without right.

2002, c. 10, s. 87.

Fine. **221.4.** Every person who is guilty of an offence under section 219.20 is liable to a fine of not less than \$100 or more than \$500.

2006, c. 51, s. 85.

Aiding. **222.** Every person who, by his act or omission, incites another person to commit an offence may be found guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding the commission of the offence.

1989, c. 36, s. 222.

Inciting. **223.** Every person who, by his encouragement, advice or order, induces another person to commit an offence may be found guilty of the offence, and of any other offence committed by the other person, as if he had committed it himself if he knew or should have known that such encouragement, advice or order would probably result in the commission of the offences.

1989, c. 36, s. 223.

Corrupt electoral practice. **223.1.** Every offence described in paragraphs 1 to 4.1 of section 212, in paragraph 4 of section 213, in paragraphs 1, 2, 3, 4 and 10 of section 214, in paragraphs 1 and 3 of section 215, in sections 216, 217, 219, 219.2 and 219.3, in paragraphs 2 to 4 of section 219.8, and in section 219.21 to the extent that it is an offence described in any of paragraphs 2, 3 and 4 of section 219.8 is a corrupt electoral practice.

Exception. Notwithstanding the foregoing, in the case of an offence under subparagraph 1 of the first paragraph of section 219.2, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed either with the permission of the director general of the school board granted pursuant to section 206.55 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error made in good faith.

1990, c. 35, s. 15; 2002, c. 10, s. 91; 2010, c. 32, s. 44.

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Loss of rights. **223.2** Every person convicted of an offence that is a corrupt electoral practice loses, for a period of five years from the day on which the judgment convicting the person becomes *res judicata*, the right to engage in partisan work, vote or be a candidate in an election.

1990, c. 35, s. 15.

Penal proceedings. **223.3.** The chief electoral officer may institute penal proceedings for an offence under this chapter.

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.

2002, c. 10, s. 93; 2010, c. 36, s. 11.

Prescription. **223.4.** Penal proceedings for an offence under this chapter are prescribed five years after the date the offence was committed. However, proceedings relating to an offence under any of paragraphs 1 to 4.1 of section 212, paragraph 4 of section 213, paragraphs 1, 2, 3, 4 and 10 of section 214, paragraphs 1 and 3 of section 215 and sections 216, 217 and 219 are prescribed 10 years after the date the offence was committed.

2002, c. 10, s. 93; 2010, c. 35, s. 38.

CHAPTER XV

TRANSITIONAL AND FINAL PROVISIONS

Provisions not applicable. **282.** Sections 65, 66 and 67.1 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) do not apply to the collection, keeping and use of personal information necessary for the preparation of the list of electors.

Personal information. Notwithstanding section 71 of the said Act, no public body may file in an information file the personal information contained in the list of electors.

Corrections. Notwithstanding section 89 of the said Act, no person may request that personal information contained in the list of electors be corrected otherwise than as provided by this Act.

Access to ballots. Notwithstanding section 9 of the said Act, no access may be had to ballots except as provided by this Act.

Public information. Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

SCHOOL ELECTIONS

Personal information. Notwithstanding the foregoing, personal information appearing on a list of electors, on an application made before a board of revisors, or on receipts for contributions of less than \$100 to a candidate and not required to appear in the financial report of the candidate is not public information.

Exception. The information referred to in the sixth paragraph shall be transmitted in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The school board and the chief electoral officer are not required to file the information in the personal information file provided for in the said Act.

Provisions not applicable. Division II of Chapter II of the said Act does not apply to a document prescribed in this Act.

1989, c. 36, s. 282; 1995, c. 23, s. 82; 2002, c. 10, s. 95; 2010, c. 35, s. 39.

Activities report. **282.4.** The chief electoral officer and the Commission de la représentation shall, on or before 30 September of each year, submit a report of their respective activities under this Act for the preceding fiscal year to the President of the National Assembly.

Tabling. The report shall be tabled in the National Assembly within 30 days of receipt or, if the Assembly is not in session, within 30 days of resumption.

2002, c. 10, s. 96.

**REGULATION RESPECTING THE REIMBURSEMENT OF
ELECTION EXPENSES OF CANDIDATES IN SCHOOL ELECTIONS**

c. E-2.3, r. 1

An Act respecting school elections
(R.S.Q., c. E-2.3, ss. 207 and 210)

1. The amount of the reimbursement referred to in section 207 of the Act is determined in accordance with the following rules:

(1) for the first \$500 of expenses, an amount equal to 75% of those expenses; and

(2) for expenses exceeding the first \$500, an amount equal to 50% of those expenses.

O.C. 931-2003, s. 1.

2. This Regulation replaces the Regulation respecting the reimbursement of election expenses of candidates in school elections (O.C. 1132-90, 90-08-08).

O.C. 931-2003, s. 2.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

O.C. 931-2003, s. 3.

REFERENCES

O.C. 931-2003, 2003 G.O. 2, 2811

DGE-725 VA (12-02)