



HAVE A SAY IN YOUR COMMUNITY  
MUNICIPAL ELECTIONS

# Running in a municipal election

<b>This document belongs to</b>	NAME _____
---------------------------------	------------

<b>Returning officer</b>	NAME _____
	ADRESS _____ _____
	TELEPHONE NUMBER _____

<b>Election clerk</b>	NAME _____
-----------------------	------------

<b>Assistant(s) to the returning officer authorized to receive nomination papers (where applicable)</b>	NAME _____
	TELEPHONE NUMBER _____
	NAME _____
	TELEPHONE NUMBER _____
	NAME _____
	TELEPHONE NUMBER _____

<b>Period for filing nomination papers</b>	FROM _____ TO _____
	FROM _____ : _____ A.M./P.M. TO _____ : _____ A.M./P.M.
	ON FRIDAY _____ ,
	THE OFFICE WILL BE OPEN FROM 9 A.M. TO 4:30 P.M.

→ In this document, the term *returning officer* also refers to any assistants authorized to receive nomination papers, where applicable.

# Table of contents

A message from the returning officer .....	IV
<b>Chapter 1</b>	
<b>Qualifying as a candidate</b> .....	1
1.1 Eligibility requirements .....	1
1.2 Grounds for disqualification as a municipal councillor .....	3
1.3 Penal provisions .....	4
<b>Chapter 2</b>	
<b>Filing a nomination paper</b> .....	5
2.1 Period for filing nomination papers .....	5
2.2 Persons eligible to file a nomination paper .....	5
2.3 Contents of the nomination paper and required documents .....	5
<b>Chapter 3</b>	
<b>Authorization of independent candidates</b> .....	12
3.1 Application for authorization .....	12
3.2 Contribution receipts .....	13
3.3 Public notices .....	13
3.4 Extranet .....	13
<b>Chapter 4</b>	
<b>Recognition of tickets</b> .....	15

**Chapter 5**

**Disclosure of certain gifts and returns of expenses** ..... 16

5.1 List of natural persons who made contributions ..... 16

    5.1.1 Contents of the list ..... 16

5.2 Return of expenses ..... 16

    5.2.1 Contents of the return ..... 17

5.3 Declaration to file in cases where there were no gifts or expenses ..... 17

5.4 Offences and penalties ..... 17

5.5 Disclosure to the municipal council ..... 18

**Chapter 6**

**Additional information** ..... 19

# A message from the returning officer

This document is primarily intended as a source of information for persons wishing to run for a seat as a member of a municipal council. It provides important details on the main rules governing the election, except for those related to financing and the monitoring of election expenses (in the case of municipalities with a population of 5,000 or over).

This document is not exhaustive and cannot be treated as a substitute of the *Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2) (hereinafter referred to by the acronym AERM). References to legislative requirements imposed by the AERM are provided in parentheses, with “AERM” followed by the relevant section number(s). The text of the AERM is available on the Légis Québec website: [legisquebec.gouv.qc.ca](http://legisquebec.gouv.qc.ca).

**When communicating with recognized tickets, authorized political parties and candidates**, returning officers (or assistants designated to receive nomination papers) are responsible for:

- Providing all required information;
- Receiving nomination papers;
- Providing the list of electors and any other documents or information to which recognized tickets, political parties and candidates are entitled under the AERM.

Returning officers in municipalities with a population of 5,000 or over are also responsible for authorizing independent candidates.

However, returning officers in municipalities with a population of less than 5,000 are also responsible for receiving applications for the recongnition of tickets.

If you wish to form a political party, please visit the Élections Québec website ([electionsquebec.qc.ca](http://electionsquebec.qc.ca)) for information on how to proceed.

Please feel free to contact me if you have any questions.

The Returning Officer

# 1

# Qualifying as a candidate

A person wishing to run for a seat as a member of a municipal council must meet certain eligibility requirements. If elected, he or she must also be eligible to take his or her seat.

## 1.1 Eligibility requirements

To be eligible for a seat as a member of a municipal council, a person must (AERM, ss. 47 and 61):

- 1) **Have the right** to be entered on the municipal list of electors (he or she is not required to be entered);
- 2) **Have resided, continuously or not, in the territory of the municipality** for at least the last 12 months on September 1 of the calendar year in which a general election is to be held or in the case of a by-election, the date on which the notice of election is published.

**To have the right to be entered on the list of electors, a person must be an elector of the municipality.**

- **On September 1 of the calendar year** in which a general election is to be held or in the case of a by-election, the date on which the notice of election is published, he or she must:

- be a natural person;
- be a Canadian citizen;
- not have lost their right to vote due to a tutorship;
- not have been convicted, within the previous five years, of an offence constituting a corrupt electoral or referendum practice (AERM, s. 53);

AND

- meet one of the following two conditions:

- 1) be domiciled in the territory of the municipality and have been domiciled in Québec for at least six months;
- 2) have been, for at least the last 12 months, the owner of an immovable or the occupant of a business establishment,<sup>1</sup> located in the territory of the municipality;

1. Within the meaning of the *Act respecting municipal taxation* (CQLR, chapter F-2.1).

- Be at least 18 years of age **on polling day**.

A non-domiciled elector who is the sole owner of a building or the sole occupant of a business establishment and who meets the eligibility requirements may run for a seat as a municipal councillor, **even if he or she does not apply for entry on the list of electors**. Indeed, such a person has the right to be entered on the list of electors if he or she submits an application to the municipality.

However, the undivided co-owner of an immovable or the co-occupant of a business establishment who wishes to run for election **must have provided** the municipality with a **power of attorney** signed by a majority of the co-owners or co-occupants who are electors of the municipality. The power of attorney must designate this person as the one with the right to be entered on the list of electors.

### **Domicile or residence in the district or ward**

In municipalities where the territory is divided for electoral purposes, candidates may file their nomination papers in the district or ward of their choice, regardless of whether their domicile or residence is located in that district or ward.

### **The notion of domicile** (CCQ, s. 75 and following)

#### **Being domiciled in the territory of the municipality**

People often confuse domicile and residence. Although these two notions may seem interchangeable, they have different legal meanings.

A person's domicile corresponds to his or her principal establishment. That is the place a person considers his or her main dwelling, the one the person provides when exercising his or her civil rights. Evidence of a person's intention to establish domicile in a specific place is based on his or her statements and circumstances (e.g., the address used on various pieces of identification, such as a driver's licence; the address used for personal correspondence; the address used for income tax purposes).

When a person changes domicile, he or she establishes his or her residence in another place with the intention of making it his or her main dwelling. The person can provide evidence of this intention in the same way.

A person's residence is the place where he or she normally lives. Where a person has more than one residence, his or her domicile corresponds to his or her main residence.

Where a person's domicile cannot be established with certainty, it is considered to be the person's place of residence. If the person does not have a residence, it is the place where he or she is located. If this place is unknown, it is the place of his or her last known domicile.

## Residing in the territory of the municipality

Residency has a permanent character. But unlike domicile, it is not necessarily continuous. Nevertheless, an occasional dwelling does not constitute a residence. For example, a short stay in an inn or a hotel does not make that place a person's residence. Likewise, operating a business at a certain address does not make that place a residence, even if the owner spends some nights there.

Although a person can only have one domicile, he or she may have multiple residences. A residence can be a secondary dwelling used on an occasional or temporary basis, such as a summer cottage.

A person resides in a municipality when he or she lives at a fixed location for work purposes, even when the corresponding residence is not the person's actual domicile. A person may therefore reside in a municipality without having established domicile there.

## 1.2 Grounds for disqualification as a municipal councillor

The AERM provides for various circumstances that would prevent a person from running for a seat as a member of a municipal council.

The main grounds for disqualification are related to:

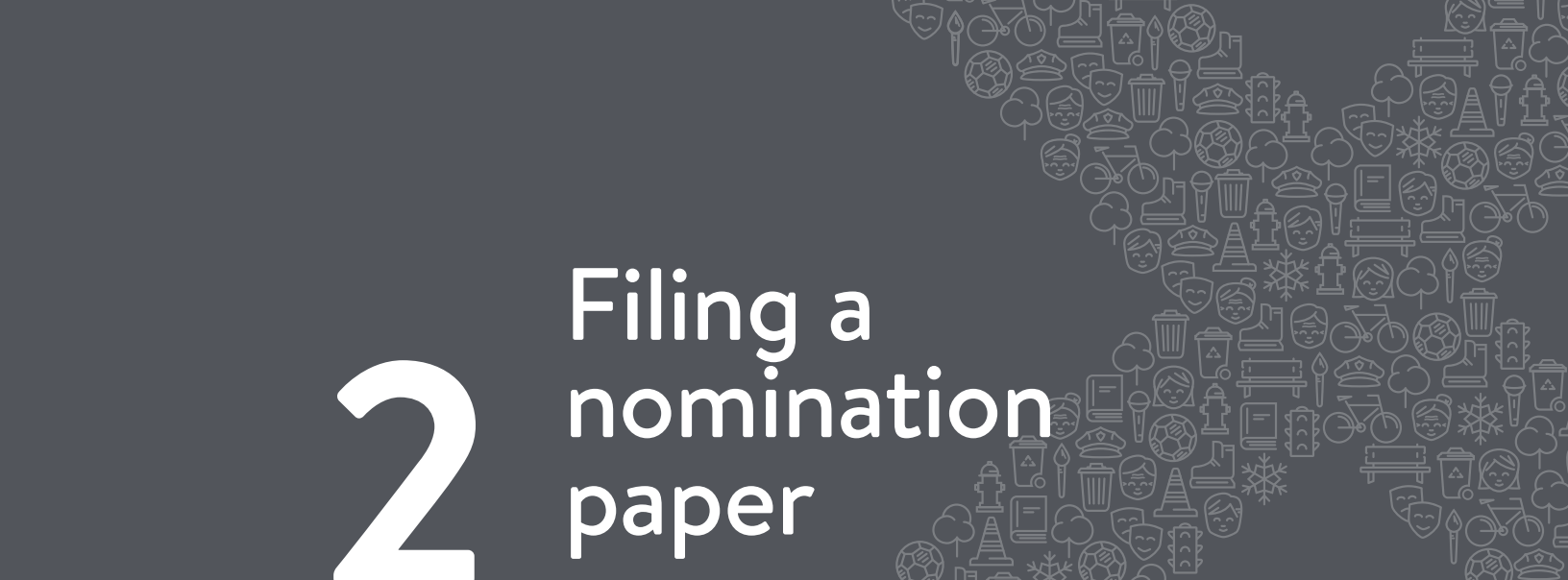
- Performance of certain duties;
- Failure to comply with certain provisions of the AERM applicable to municipalities with a population of 5,000 or over and to RCMs subject to Chapter XIII of the AERM. In particular, these provisions relate to financing and expenses, as well as to the submission of financial reports and returns of election expenses by authorized parties and independent candidates;
- Legal incapacity to perform the duties of a municipal council member, as provided for under the AERM;
- Various grounds for disqualification provided for under other legislation, such as the *Cities and Towns Act* (CQLR, chapter C-19) and *Québec's Municipal Code* (CQLR, chapter C-27.1). For example, a councillor who knowingly breaks the rules governing loans or the awarding of contracts may be disqualified from holding municipal office for a period of two years;
- Holding a seat on the council of another municipality, running for such a seat or having been declared elected to such a seat within the last 30 days;
- Holding a seat on a municipal council, unless that seat is up for election or has ceased to exist.



Any person who runs for a seat on a municipal council must ensure that he or she is eligible and has not been disqualified from holding such an office. The person must comply with the requirements provided for in sections 61 to 67 and 301 to 307 of the AERM. In the case of a by-election, section 342 of the AERM also applies.

### **1.3 Penal provisions**

The AERM (ss. 586 to 645.1) specifies the offences and penalties applicable to any person (elector, candidate, municipal employee, election officer, etc.) who contravenes the legislation.



# 2 Filing a nomination paper

The Nomination paper form is available from the office of the returning officer.

- Use form SM-29 in a municipality with a population of under 5,000;
- Use form SM-29-FIN in a municipality with a population of 5,000 or over. Such municipalities are subject to Chapter XIII of the AERM.

## 2.1 Period for filing nomination papers

You must file your nomination paper and the required documents at the office of the returning officer (or that of an assistant authorized to receive nomination papers) on a day and at a time when the office is open, between 44 and 30 days before polling day. Opening hours for the office of the returning officer are provided on the public notice of election. The AERM specifies that the office must be open continuously from 9 a.m. to 4:30 p.m. on the Friday that falls 30 days before polling day. Nomination papers cannot be filed after 4:30 p.m. on that day (AERM, s. 153).

## 2.2 Persons eligible to file a nomination paper

The AERM does not require you to file your own nomination paper. Another person can file it on your behalf. If this is the case, make sure that the form has been completed correctly and that the person has all the required documents on hand.

## 2.3 Contents of the nomination paper and required documents

To become a candidate, you must complete the *Nomination paper* form (SM-29 or SM-29-FIN) and submit it with the required documents. The returning officer will need to validate some of the information provided on the form.

## Person wishing to be a candidate

(Section 1 of form SM-29 or SM-29-FIN)

### The first and last name of the person wishing to be a candidate

You must enter the first and the last name you were given at birth or those given legal status in the register of civil status. These must be the names under which you exercise your civil rights (AERM, s. 154).

However, you may also run for election under the first and last name by which you are commonly known, provided these are the names you always use in your political, professional or social life, and that you are acting in good faith (AERM, s. 155). In this case, you must check the appropriate box in section 1 of the form. The returning officer is not responsible for determining whether a first and last name are the ones you always use or whether you are acting in good faith. This is your responsibility. If necessary, the matter would have to be settled by the courts.

The following are some examples of given names and surnames under which a person would be commonly known:

- Stage name  
A person who uses a stage name in his or her professional life may run for election under that name, by which he or she is commonly known.
- Spouse's surname  
A woman who has taken her spouse's last name may run for election under that last name, provided it is the name she always uses in her political, professional or social life.
- Nickname or derivative form  
A person may run for election under a nickname, under a derivative form of his or her name or under any combination of his or her last name and first name, provided it is the name the person always uses in his or her political, professional or social life.
- Initial  
A person who uses an initial with his or her first or last name may also run for election using that initial, provided the person always uses it in his or her political, professional or social life.

### Date of birth of the person wishing to be a candidate

You must enter your date of birth on the nomination paper (AERM, s. 154).

### Contact information of the person wishing to be a candidate

Depending on the grounds on which you are eligible to run for election, you need to provide either your domiciliary or residential address. The address must include the civic number of the building (and, where applicable, the apartment number), the name of the roadway, the name of the municipality and the postal code. Instead of the civic number, a person may provide his or her cadastral number (AERM, s. 156).

The returning officer will verify that the address you provided is in the territory of the municipality and that you don't appear on the list of ineligible persons compiled and provided by the Chief Electoral Officer.

## Telephone number and e-mail address

Please enter your main telephone number and the e-mail address we should use to contact you. Check the appropriate box to give permission for this contact information to be provided to someone other than the returning officer (e.g., on a copy of your nomination paper).

You are required to provide your telephone number if you apply for authorization at the same time as you file your nomination paper (in a municipality with a population of 5,000 or more).

See chapter 3 for more information on the authorization process for candidates.

## Identity document of the person wishing to be a candidate

Your nomination paper must be accompanied by an original document providing proof of identity (AERM, s. 162). At a minimum, such an identity document must state your name and date of birth, and have been issued by the Government of Québec or Canada or any of their departments or agencies, or by a public body or a public servant authorized to issue copies of or extracts from acts of civil status. Examples include a passport, a certificate of citizenship, a driver's licence or a health insurance card. The document does not need to include a photo.

The returning officer will examine your identification document to verify that you will be at least 18 years of age on polling day. After, he will make a photocopy in order to keep a true copy of the document. He or she will then give you back the original, keeping the photocopy along with your nomination paper (AERM, s. 162).

## Seat being sought

(Section 2 of form SM-29 or SM-29-FIN)

You must indicate whether you wish to run for the seat of mayor or for a seat as a municipal councillor.<sup>2</sup> If you wish to run for a seat as a municipal councillor, you must specify the name or number of the corresponding electoral district or ward, where applicable, or the seat number. An eligible person may only run for a single seat on the council of a municipality (AERM, ss. 146 and 157).

**Note:** Any municipality with a **population of 100,000** or over may adopt a by-law allowing for double candidacies.

If such a by-law is in force 51 days before polling day, Chapter XIII allows a person wishing to run for the seat of mayor and belonging to an authorized party to also jointly run for a seat as a municipal councillor in a single electoral district, alongside another person belonging to the same party. The latter person will be the former's co-candidate.

Persons availing themselves of this by-law must meet the eligibility requirements listed above (AERM, s. 146, para. 2).

---

2. During a by-election, a person who already holds a seat on the same municipal council is not eligible to run. He or she must resign before running for another seat.

### **Recognized ticket or political party (depending on the form)**

(Section 3 of form SM-29 or SM-29-FIN)

If you are a candidate for a recognized ticket (in a municipality with a population of under 5,000) or for an authorized party (in a municipality with a population of 5,000 or over), you must write the name of the ticket or party as it was spelled at the time of recognition or authorization (AERM, s. 158).

### **Written document serving as a letter certifying that the person is an official candidate for a recognized ticket or political party**

(Where applicable; section 4 of form SM-29 or SM-29-FIN)

If you are a candidate for a recognized ticket or authorized party, your nomination paper must be accompanied by a letter signed by the leader of your ticket or party. The letter will certify that you are the ticket's or the party's official candidate for the seat in question and, where applicable, that you are running as a co-candidate (AERM, s. 163).

When duly completed, section 4 of the nomination paper takes the place of such a letter.

### **Sworn declaration of the person wishing to be a candidate**

(Section 5 of form SM-29 or SM-29-FIN)

When preparing to run for election, you need to make a sworn declaration regarding your eligibility. You are responsible for confirming that you are indeed eligible (AERM, s. 154). If in doubt, do not hesitate to consult legal counsel.

Your nomination paper must bear your signature and that of a person authorized to administer oaths (AERM, s. 154 and 159). If either of these signatures is missing, your nomination paper will be rejected.

If you have not already made your sworn declaration before a person authorized to administer oaths, you may do so before the returning officer.

If you run for election knowing that you are not eligible to do so, you may be committing an offence (AERM, ss. 632[1] and 639).

### **Person designated to collect supporting signatures**

(Section 6 of form SM-29 or SM-29-FIN)

You may appoint a person responsible for collecting the required supporting signatures on your behalf. You can provide the person's name on your nomination paper or designate him or her in a separate written document signed by you. Aside from you, he or she will be the only person authorized to collect supporting signatures (AERM, s. 161).

### **Supporting signatures**

(Section 7 of form SM-29 or SM-29-FIN)

Persons who provide signatures in support of your nomination must be electors of the municipality. If you are a candidate in a municipality whose territory is divided for electoral purposes, these signatories do not need to live in the electoral district or ward where you are running. In addition to providing his or her signature, each elector must write his or her address as it would be entered on the municipal list of electors (AERM, s. 160).

Your nomination paper must contain a minimum number of signatures from electors. This number varies depending on the population of the municipality and the seat being sought.

- **If you wish to run for the seat of mayor**, your nomination paper must contain the following number of supporting signatures from electors:
  - Municipality with a population of under 5,000 . . . . . 5
  - Municipality with a population of 5,000 or over but under 20,000. . . . . 10
  - Municipality with a population of 20,000 or over but under 50,000 . . . . . 50
  - Municipality with a population of 50,000 or over but under 100,000 . . . . . 100
  - Municipality with a population of 100,000 or over . . . . . 200
- **If you wish to run for a seat as a municipal councillor**, your nomination paper must contain the following number of supporting signatures:
  - Municipality with a population of under 5,000 . . . . . 5
  - Municipality with a population of 5,000 or over but under 20,000. . . . . 10
  - Municipality with a population of 20,000 or over . . . . . 25

We recommend that you obtain more than the minimum number of signatures required by the AERM, in case the validity of certain signatures is challenged.

The returning officer is responsible for verifying that the addresses listed beside each elector’s name are located within the municipality. He or she will also check whether the number of confirmed addresses within the municipality meets the minimum threshold indicated above.

### **Declaration of the persons who collected supporting signatures**

(Section 8 of form SM-29 or SM-29-FIN)

The persons who collected supporting signatures must certify (AERM, s. 162):

- That they know the signatories;
- That the signatures were provided in their presence;
- That, to the best of their knowledge, the signatories are electors of the municipality.

### **Additional information for municipalities with a population of 5,000 or more (sections 9 and 10 of SM-29-FIN)**

Municipalities subject to Chapter XIII of the AERM

### **Advertising expenses incurred before the election period**

(Section 9 of form SM-29-FIN)

Regardless of whether you wish to run as a member of an authorized party or as an independent candidate, your nomination paper must be accompanied by a document showing the total amount of any advertising expenses you incurred between January 1 of the year of the election<sup>3</sup> and the start of the election period. If the total amount is greater than \$1,000, you must provide a breakdown of all advertising expenses.

3. In the case of a by-election, January 1 is replaced by the date on which the seat becomes vacant.

The advertising expenses in question must be related to the election. The medium may vary. The announcement of the holding of a meeting for the selection of a candidate does not constitute an election expense, provided the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

If you wish to run as a member of a authorized party, the document must list any advertising expenses incurred by the official representative on the party's behalf, including that portion of joint advertising expenses attributable to the party.

Where applicable, you must calculate the frequency of use, both before and during the election period, of a good or service associated with an election expense.

### **Designation and consent to act as representative and official agent (in cases where the person wishes to be an independent candidate)**

(Section 10 of form SM-29-FIN)

If you wish to run as an independent candidate, you must provide the name and address of your official agent. This person must sign the written document designating him or her for that role (AERM, s. 164). The official agent must be an elector (AERM, s. 383). You may appoint yourself as your own official agent.

The official agent also serves as the independent candidate's official representative (AERM, s. 382).

Regardless of whether he or she intends to apply for authorization, any person wishing to be an independent candidate must designate an official agent (AERM, s. 381).

If you will be running as a member of an authorized party, you do not need to appoint an official agent.

### **Acceptance of the filing of the nomination paper**

(Section 9 of form SM-29 or section 11 of form SM-29-FIN)

The returning officer will accept your nomination paper if the following criteria are met:

- By all appearances, your nomination paper complies with sections 146 to 170 of the Act;
- All required documents are attached to the nomination paper;
- You don't appear on the list of ineligible persons.

The returning officer cannot pass judgment on your eligibility.

If your nomination paper is accepted or rejected straight away, you will receive an acknowledgement of receipt and a notice of conformity.

The returning officer may need additional time to verify your nomination paper. In that case, you will receive an acknowledgement of receipt upon filing your nomination paper; a notice of conformity will be issued later, once the necessary verifications have been completed.

## **Application for authorization of the person wishing to be an independent candidate**

(Section 12 of form SM-29-FIN, in relation to political financing in municipalities with a population of 5,000 or over)

You must indicate whether you wish to obtain authorization. If you have already received authorization, you must also indicate that this is the case (AERM, s. 400 and 400.1; see chapter 3 of this guide for more information on the benefits of authorization).

If you do not wish to obtain authorization, you must check the appropriate box and sign this section of the form.

If you wish to obtain authorization, you must check the appropriate box and, in the space provided, enter your name at birth and specify the address where the books and accounts will be kept for the election fund you will open and for the expenses you will incur (if different from those indicated in section 1 of the form). Furthermore, you must provide your telephone number and e-mail address. We will use this address to send you your credentials for accessing the Chief electoral officer of Québec's extranet for authorized political entities. The extranet contains various information related to your authorization. Finally, you must sign this section. The returning officer must also sign it and enter the date on which he or she accepts your application.

If you obtained authorization prior to filing your nomination paper, check the appropriate box and sign this section.

This section of your nomination paper will not affect whether the latter is accepted or rejected.

Your official representative and official agent must complete the "Compulsory training" section. This person must also provide his or her e-mail address in order to be given access to the extranet, which not only contains a variety of tools for completing tasks related to political financing, but also hosts the compulsory training he or she must complete.

If you wish to obtain authorization after filing your nomination paper, you must use the form titled *Application for authorization of an independent candidate or of an elector who undertakes to run as an independent candidate* (DGE-1028). It is available from the returning officer.

See chapter 3 for more information on the authorization process for candidates.



# 3

# Authorization of independent candidates

Municipalities with a population  
of 5,000 or more

You will likely need to incur expenses in the course of your election campaign. However, **before** soliciting or collecting contributions (including from yourself), incurring expenses or taking out a loan, you **must** obtain authorization.

Likewise, if you plan to use (or distribute, post, etc.) documents or materials already in your possession, you must obtain authorization before doing so. Even when it does not involve incurring an expense, the use of materials to promote your candidacy must be disclosed in a report prepared at the end of the election campaign.

Authorization may also make you eligible for reimbursement of your election expenses, under certain conditions.

## 3.1 Application for authorization

You may apply for authorization before filing, when filing or after filing your nomination paper.

### **Before filing**

You may obtain authorization as of January 1 of the year preceding that of a general election or, in the case of a by-election, as soon as the seat becomes vacant. You can do so by obtaining the appropriate form (DGE-1028), along with its appendix (DGE-1028.1), from the office of the returning officer or from the Chief Electoral Officer of Québec. You must also collect signatures from electors of the municipality who support your application for authorization.

### **When filing**

You can check the appropriate box on the *Nomination paper* form.

Supporting signatures collected for your nomination paper are also valid for your application for authorization.

### After filing

You have until polling day to apply for authorization. You can do so by completing the appropriate form (DGE-1028) and filing it at the office of the returning officer. You do not need to attach supporting signatures.

As soon as the returning officer accepts your application, you are authorized to receive contributions, incur expenses related to your campaign and take out loans.

## 3.2 Contribution receipts

If you obtain authorization during the election period, the treasurer or secretary-treasurer will provide you with a contribution receipt booklet.

## 3.3 Public notices

Information related to authorizations is public. When the returning officer authorizes a candidate, the Chief Electoral Officer of Québec is required to publish, as soon as possible, a notice to this effect on the Élections Québec website:



## 3.4 Extranet

Candidates, as well as their official representatives and official agents, have access to an extranet. In addition to hosting the compulsory training for official representatives and official agents, the extranet contains various tools related to political financing, including the *Guide of the official representative and official agent of an authorized independent candidate*. The guide serves as a reference tool covering the following topics:

- Funding sources;
- Election expenses;
- Non-election expenses;
- Reporting (it includes a user guide);
- Reimbursement of election expenses;
- Penal provisions and other sanctions.

For more information on authorization, financing and the monitoring of election expenses, you can contact the staff of the Direction du financement politique et des affaires juridiques at Élections Québec, using one of the telephone numbers provided below.



In the Québec City area: 418-6443570  
Elsewhere in Québec, toll-free: 1-866-232-6494



# 4 Recognition of tickets

## Municipalities with a population of under 5,000

The AERM allows candidates to form a ticket and to have it officially recognized by the returning officer. A certain number of persons running in a general election simply need to select a leader. The leader of a ticket does not need to run for the seat of mayor (AERM, s. 147).

By forming a recognized ticket, candidates can belong to an official organization with a protected name and be identified as members of that organization on both the notice of poll and ballot papers.

The leader of a ticket must submit a written application for recognition to the returning officer (AERM, s. 149). Such an application may be submitted at any time from the 44<sup>th</sup> to the 30<sup>th</sup> day before polling day. The application must contain the following:

- The name of the ticket;
- The address to which communications intended for the ticket must be sent;
- The name, address and telephone number of the leader of the ticket.
- A list containing the names, addresses and signatures of at least 10 electors of the municipality who support the application.

The application must be accompanied by all the items listed above (AERM, s. 150).

The returning officer will refuse to recognize any ticket whose name includes the word “independent” or is likely to mislead electors as to which ticket they are voting for (AERM, s. 151).

Recognition is for a limited time. It remains valid for the first general election after which it is obtained and for any by-elections held prior to the following general election. In other words, a recognized ticket must submit a new application for recognition before each general election (AERM, s. 150).

# 5

# Disclosure of certain gifts and returns of expenses

Municipalities with a population of under 5,000

## 5.1 List of natural persons who made contributions

Any person who has run in an election for a seat on the council of a municipality with a population of under 5,000 must, not later than 90 days after polling day, provide the treasurer with a list of all natural persons who made gift(s) to him or her (AERM, s. 513.1).

### 5.1.1 Contents of the list

The list must include the name and full address of each natural person who contributed more than \$50 (or made multiple contributions totalling more than \$50) to your election campaign. You must also enter the amount paid by each person, the method(s) of payment used and the number of payments, where applicable. In addition, the list must show the amount or total of the amounts you have personally provided, out of your own property, where the total is greater than \$50. Furthermore, the list must include the total amount of all gifts of \$50 or less that you received. All gifts of more than \$50 must be made by cheque and be drawn on the person's own account (AERM, s. 513.1.2).

Only a natural person may make a gift of money. The total amount of such gifts must not exceed \$200 per candidate. As a candidate, you may also provide sums of money for your own benefit, provided the total does not exceed \$800. Accordingly, a candidate may provide up to \$1,000 out of his or her own assets.

## 5.2 Return of expenses

No later than 90 days after polling day, you must send the treasurer a return of all expenses related to your campaign. The return must be in the form prescribed by the Chief Electoral Officer (AERM, s. 513.1).

### 5.2.1 Contents of the return

The return must provide the name and full address of the supplier of any goods and services you purchased, along with a description of the goods or services and the amount paid. The return must also indicate what expenses have been paid.

## 5.3 Declaration to file in cases where there were no gifts or expenses

You must use form DGE-1038, titled *Donors list and return of expenses*, to file your list of gifts and return of expenses. If you do not receive any gifts or incur any expenses, you must still submit the form no later than 90 days after polling day, and sign the corresponding declaration.

## 5.4 Offences and penalties

Under section 610.1(1) of the AERM, a candidate commits an offence if he or she collects:

- A gift of money from a legal person;
- One or more sums that total more than \$200 (\$1,000 in the case of the candidate himself or herself) from a natural person.

Under section 610.1(2), it is an offence for a legal person to make a gift or for a natural person to make a gift that exceeds the allowable limit. Under section 610.1(3), a person other than the candidate who collects such a gift also commits an offence.

A person convicted of any of these offences is liable to a fine:

- a) For a first offence, of not less than \$5,000 and not more than \$20,000 in the case of a natural person, or of not less than \$10,000 and not more than \$50,000, in the case of a legal person;
- b) For a repeat offence within 10 years, of not less than \$10,000 and not more than \$30,000 in the case of a natural person, or of not less than \$50,000 and not more than \$200,000, in the case of a legal person (AERM, s. 641.1).

All information related to a conviction in connection with the offences listed in section 610.1(2) of the AERM will be transmitted to the Associate Commissioners for Audits at the Unité permanente anticorruption (UPAC), as well as to the Secrétariat du Conseil du trésor, for appropriate action under the *Act respecting contracting by public bodies* (CQLR, chapter C-65.1; AERM, s. 648.1).

The offences described in subparagraph 2 of section 610.1 also constitute corrupt electoral practices (AERM, s. 645). A person found guilty of an offence that constitutes a corrupt electoral practice loses his or her election rights for a period of five years (AERM, s. 645.1).

A candidate who fails to file the form titled *Donor list and return of expenses* (DGE-1038) no later than 90 days after polling day also commits an offence (AERM, s. 628.1). He or she is liable to a fine of \$50 for every day the form is late (AERM, s 642).

Meanwhile, a natural person who makes a gift of money of more than \$50 other than by cheque or other order of payment drawn on his or her personal account is liable to a fine of not more than \$500 (AERM, ss. 636.2 and 644.1).

## 5.5 Disclosure to the municipal council

Under section 513.2 of the AERM, the treasurer is responsible for tabling, before the municipal council, the lists and returns he or she receives from candidates.

# 6 Additional information

## **Signage and partisan advertising**

Among other things, there are rules governing:

- Signage on public and private land, including along roads and streets;
- Partisan advertising in print and electronic media;
- Signage and partisan advertising on polling day.

For more information on this topic, see sections 283, 285.1 to 285.9 and 463 to 464 of the AERM.

## **Signage and partisan advertising on the premises of a polling station**

All partisan advertising is prohibited on the premises of a polling station. The returning officer may have any partisan advertising that favours you, your party or your ticket stopped or removed at your expense or at the expense of the ticket or party. However, the returning officer must first request that you stop or remove the partisan advertising (AERM, s. 283).

## **Representatives and poll runners**

The AERM allows every recognized ticket, every authorized party and every independent candidate to designate a representative at each polling station where electors can cast a vote for the candidate, one of the ticket's candidates or one of the party's candidates. The representative must hold a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer. Likewise, poll runners can be designated by power of attorney to track the progress of the vote on polling day (AERM, ss. 92-98).



The returning officer can provide you with additional information regarding topics such as the duties of returning officers, their recruitment, factors that disqualify a person from holding such a position, their presence at polling places and their role on voting days.

### **Right to unpaid leave**

Your employer must, upon written request, grant you leave without pay when you run in a municipal election.

For more information on this topic, please refer to sections 347, 348 and 350 to 356 of the AERM.

