

DIRECTIVE D-M-XIV-1

Disclosure of certain gifts and returns of election expenses

Reference: *Act respecting elections and referendums in municipalities* (AERM), ss. 513.0.1 to 513.3

PURPOSE

Prescribe the form titled “List of contributors and return of expenses” (DGE-1038) and explain how to file it.

SCOPE OF APPLICATION

This directive applies to any general election or by-election held in any municipality in Québec with a population of less than 5,000 that is not subject to Chapter XIII of the AERM.

The treasurer of the municipality must give the “List of contributors and return of expenses” (DGE-1038) and the “Guide for candidates” (DGE-1038.1) to anyone who has completed a nomination paper. The treasurer can also provide them with a copy of this directive on request.

CONTENT OF THE FORM

Section 1: Candidate’s personal information

The candidate needs to complete the various fields of this section to identify themselves and the seat for which they are running in the election.

They must enter the following information:

- Their surname and given name
- The name of the municipality in which they are running
- The date of the election and the seat being sought
- The name of recognized ticket, where applicable
- Their domiciliary address
- Their telephone number
- Their email address

Section 2: Declaration of a candidate having received no gifts and having incurred no expenses

If the candidate has not received any gifts and has not incurred any expenses relating to their election campaign, they need to complete this section, as well as sign and date the declaration where indicated. Such a candidate does not have to complete any other pages of the form. They are only required to submit the first page of the form to the treasurer of the municipality.

A candidate who has received at least one gift or incurred at least one expense should leave this section blank and complete all subsequent pages of the form titled “List of contributors and return of expenses.”

Acknowledgement of receipt (reserved for the treasurer of the municipality)

The treasurer should sign this section and enter the date on which they received the form from the candidate. This is to confirm the form’s filing date.

IMPORTANT

Once the treasurer has signed the acknowledgement of receipt, they are required to provide the candidate with a copy of the form. The candidate must personally retain this copy of the form, along with all supporting documents related to their income and expenses (copies of cheques received, invoices, bank statements, deposit slips, etc.) for seven years.

Section 3: Contributors

Box A: Candidate

The candidate must enter the total amount of gifts from their own assets in box A. These include monetary gifts as well as the value of any goods or services used for their campaign.

IMPORTANT

The maximum amount of a gift that a candidate may contribute out of their own property during an election is \$1,000 (s. 513.1.1).

Box B: Gifts of \$50 or less

The candidate must enter the total amount of all gifts of \$50 or less they have received from other natural persons in box B. The candidate must personally retain the names and addresses of contributors having made such gifts for the purposes of a possible audit by Élections Québec.

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Box C: Gifts of over \$50

For each gift of over \$50, the following information must be provided:

- The contributor's surname and given name
- Their address
- Their municipality
- The payment method for the contribution (cheque or transfer of funds)
- The amount of the gift

IMPORTANT

Legal persons may not contribute gifts. Goods and services need to be invoiced at current market prices.

When all the totals have been entered, add them together at the bottom of the page (A + B + C).

If the candidate has not collected any gifts and has not contributed a personal gift, this section must be left blank. Instead, they should complete section 2 of the form, "Declaration of a candidate having received no gifts and having incurred no expenses."

Section 4: Return of expenses

IMPORTANT

The amount entered in the "Total gifts from the candidate and contributors" field (box A + B + C) can be no less than the total expenses entered in section 4 (return of expenses) of the form. This amount represents the maximum expenses that the candidate may incur.

In this section, the candidate needs to enter various information regarding any suppliers of goods and services related to one or more expenses incurred to promote their election campaign.

The candidate should then calculate the total of these expenses and record it in the "Total expenses incurred" field.

Expenses the candidate paid out their own property need to be recorded not only in this section, but also in section 3 as a gift from the candidate's personal funds (box A).

IMPORTANT

The total amount of expenses must be equal to the total amount of gifts received from the candidate and other persons.

If the candidate has not incurred any election expenses, they do not need to complete this section; instead, they must complete section 2 of the form, "Declaration of the candidate having received no gifts and having incurred no expenses."

Section 5: Declaration of a candidate having incurred expenses

Candidates who have incurred at least one expense should sign and date this declaration to confirm that all information provided is true, accurate and complete.

STATUTORY DEADLINE AND REQUIRED INFORMATION

Any person wishing to be a candidate for a seat on the council of a municipality with a population of under 5,000 during an election must submit the “List of contributors and return of expenses” (form DGE-1038) to the treasurer of the municipality within 90 days following polling day. This form is included in the appendix.

OFFENCES AND PENALTIES

The AERM sets out offences for violations of its provisions. Filing of the “List of contributors and return of expenses” after the deadline or making or collecting a gift in excess of the allowed limit may result in fines.



DGE-1038-VA (24-10)

List of contributors and return of expenses Municipalities with a population of under 5,000

1. Candidate's personal information				
Name of municipality	Election date <table border="1"> <tr> <td>YYYY</td> <td>MM</td> <td>DD</td> </tr> </table>	YYYY	MM	DD
YYYY	MM	DD		
Given name and surname of the candidate	<input type="checkbox"/> Municipal office <input type="checkbox"/> Seat number: _____			
Name of recognized ticket (where applicable)				
Candidate's domiciliary address				
_____	_____			
Civic number	Roadway			
_____	Apt.			
_____	_____			
City, town or municipality	Postal code			
Telephone number				
_____	_____			
Home	Cell			
_____	_____			
Work	_____			
Email address				

2. Declaration of a candidate having received no gifts and having incurred no expenses
I declare that I have not received any gifts, that I have not contributed to my own election campaign and that I have not incurred any expenses.

Candidate's signature

Name (please print)

Date

Acknowledgement of receipt (reserved for the treasurer of the municipality)
The treasurer should complete this section when the candidate submits the form. I hereby acknowledge receipt of the form titled <i>List of contributors and return of expenses</i> signed by the candidate whose personal information appears in section 1.

Treasurer's signature

Date
Reminder: The treasurer is required to provide the candidate with a copy of this form.

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3. Contributors

CANDIDATE

Given name and surname	Gifts (\$)
Equal to the total amount that a candidate can pay out of their own property to promote their election (maximum amount: \$1,000)	A

CONTRIBUTORS OF GIFTS OF \$50 OR LESS

	Gifts (\$)
Total amount of gifts of \$50 or less	
	B

CONTRIBUTORS HAVING MADE ONE OR MORE GIFTS TOTALLING OVER \$50

Given name and surname	Address	Municipality	Payment method	Gifts (\$)

No contributor may give more than \$200

Total	
	C

Total gifts from the candidate and contributors	
	A + B + C

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4. Return of expenses			
No.	Supplier's name and address	Description of good or service	Amount paid
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
Total expenses:			\$

5. Declaration of a candidate having incurred expenses		
All information entered in this form is true, accurate and complete.		
_____	_____	_____
Candidate's signature	Name (please print)	Date