



HAVE A SAY IN YOUR COMMUNITY
MUNICIPAL ELECTIONS

Running as a Candidate for Municipal Elections

This document belongs to:	NAME _____
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Returning officer	NAME _____ OFFICE ADDRESS _____ _____ _____ TELEPHONE _____
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Election clerk	NAME _____
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Assistant(s) to the returning officer appointed to receive nomination papers (where applicable)	NAME _____ TELEPHONE _____
	NAME _____ TELEPHONE _____
	NAME _____ TELEPHONE _____

Period for production of nominations	DATE _____
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Advance poll	DATE _____
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Polling day	DATE _____
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→ **In this document, the term “returning officer”
also means “designated assistant” where applicable.**

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A Message from the Returning Officer

This document is designed mainly as a source of information for people who wish to run for election as members of a municipal council. It contains the information on all the main rules governing all aspects of the election except for financing and control of electoral expenses (municipalities with 5,000 inhabitants or more).

This document is by no means exhaustive, and potential candidates should still read the *Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2), referred to in this text as the AERM. References to the provisions of this Act appear in this document in parentheses, in the form of the section number(s) and the acronym AERM. The Act is available for consultation on the website of Publications du Québec at publicationsduquebec.gouv.qc.ca.

With respect to recognized tickets, authorized parties and candidates, the main duties of the returning officer or assistant designated to receive nomination papers are to:

- provide all the requested information;
- receive nomination papers;
- provide the list of electors and any other document or information to which candidates are entitled by law;
- authorize independent candidates, where applicable (municipalities with 5,000 inhabitants or more);
- receive applications for recognition of a ticket, where applicable (municipalities with fewer than 5,000 inhabitants).

For information on how to form a political party, please see the website of the Chief Electoral Officer of Québec (electionsquebec.qc.ca).

If you would like additional information, please contact the returning officer.

The Returning Officer

1

Running for Office: Conditions for Candidates

Every person who wishes to become a candidate for election to a municipal council must be eligible and must not be disqualified from holding office if elected.

1.1 Eligibility conditions

To be “eligible for office as a member of the council”, a person must (AERM, ss. 47 and 61):

- 1) **be entitled** to have his or her name entered on the municipal list of electors (this does not mean that he or she must actually be entered on the list);
- 2) **have resided, continuously or not**, in the territory of the municipality for at least 12 months on September 1¹ of the calendar year in which the general election takes place.

To be entitled to have his or her name entered on the list of electors, he or she must be an elector of the municipality, meaning that:

- **on September 1 of the calendar year** in which a general election is held, the person:
 - is a natural person;
 - is a Canadian citizen;
 - is not be under curatorship;
 - has not been convicted of an offence that is a corrupt electoral practice in the preceding five years (AERM, s. 53);

AND

- meets one of the following two conditions:

- 1) has been domiciled in the territory of the municipality and, for at least six months, in Québec;

1. For a by-election, the date of September 1 is replaced by the date on which the notice of election is published.

2) has been, for at least 12 months, the owner of an immovable or the occupant of a business establishment² situated in the territory of the municipality;

- **on polling day**, is of full age (18 years old).

An elector who is not domiciled in the territory of the municipality, but who is the sole owner of an immovable or the sole occupant of a business establishment and meets the eligibility conditions may be a candidate for the office of councillor **even if he or she has not applied for entry on the list of electors** because he or she is entitled to be entered on the list upon application to the municipality.

However, an undivided co-owner of an immovable or a co-occupant of a business establishment who wishes to be a candidate **must** have submitted a **power of attorney** to the municipality, signed by a majority of the co-owners or co-occupants who are qualified electors, designating him or her as the person who is entitled to be entered on the list of electors.

Being domiciled or residing in the district or ward

In municipalities whose territories are divided for the purpose of elections, candidates may file their nominations in the district or ward of their choice, regardless of the district or ward in which they reside or are domiciled.

The notion of domicile (C.C.Q. s. 75 and following)

Being domiciled in the territory of the municipality

The notion of domicile is subject to interpretation. It is often confused with the notion of residence. Although these two notions appear to be interchangeable, from a legal standpoint they each have a different meaning.

The domicile is the place of a person's principal establishment – in other words, the place the person considers to be his or her principal dwelling, the one that serves as a reference for the exercise of his or her civil rights. Proof of a person's intention to establish domicile in a given place results from the person's declarations and circumstances (e.g. address used on a card such as a driver's licence, a personal mailing address, an address used for income tax purposes).

Change of domicile is effected by actual residence in another place, coupled with the person's intention to make it his or her principal dwelling. Proof of intention results from the person's declarations and circumstances.

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

A person's residence is the place where he or she normally lives. If a person has more than one residence, the principal residence is considered to be his or her domicile.

A person whose domicile cannot be established with certainty is deemed to be domiciled at the place of his or her residence. A person who has no residence is deemed to be domiciled at the place where he or she lives or, if that place is unknown, at the place of his or her last known domicile.

Residing in the territory of the municipality

Residence must have an aspect of permanency, but unlike domicile, it need not necessarily be continuous. However, the dwelling in which a person resides must be more than an occasional place of residence such as a room in an inn or hotel. In other words, it must be more than transient. The fact of operating a business, such as a garage for example, is not sufficient to constitute a residence, even if the owner spends several nights at the business premises.

A person can have only one domicile, but may have more than one residence. A residence can sometimes be a secondary dwelling, such as a summer cottage, that is used occasionally or temporarily.

A person who lives in a specific place for the purpose of his or her work is also considered to reside in the municipality even if the residence is not the person's actual domicile. A person may therefore reside in a municipality without having elected domicile there.

1.2 Ineligibility and disqualification from office

The AERM stipulates certain conditions of ineligibility that prevent a person from becoming a candidate for a seat on a municipal council.

The main conditions relate to:

- the exercise of certain duties;
- failure to comply with certain provisions of the AERM specific to municipalities with 5,000 or more inhabitants and RCMs to which Chapter XIII of the AERM applies, including financing, expenses and the filing of financial reports and election expense returns by authorized parties and independent candidates;
- a ground for disqualification stipulated in the AERM, i.e. a person who is legally disqualified from holding office as a councillor of a municipality;
- a ground for disqualification stipulated in other legislation, such as the Cities and Towns Act (CQLR, chapter C-19) or the Municipal Code of Québec (CQLR, chapter C-27.1). For example, a councillor who knowingly breaks the rules applicable to loans or the awarding of contracts may be disqualified from holding a municipal office for two years;
- the fact that the person already holds office as a councillor of another municipality, is a candidate for such an office or has being declared elected to such an office within the last 30 days;
- the fact that the person already holds office as a councillor, unless the office is open for nominations or has ceased to exist.

Every person who is nominated to hold office as a councillor must ensure that he or she is eligible for the office, and has not been disqualified. He or she must also comply with the provisions of 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) sets out the offences and penalties applicable to any person (elector, candidate, employee, election officer, etc.) who contravenes the provisions of the Act.



2 Filing a Nomination Paper

You can obtain the *Nomination Paper* form (SM-29 or SM-29-FIN) from the office of the returning officer.

- SM-29 for municipalities with fewer than 5,000 inhabitants
- SM-29-FIN for municipalities with 5,000 or more inhabitants, to which Chapter XIII of the AERM applies

2.1 Period for filing of nomination papers

To be accepted, your nomination paper and supporting documents must be filed at the office of the returning officer, or at the office of an assistant designated to receive nomination papers, on the days and at the times shown on the public notice of election, beginning 44 days and ending 30 days before polling day.

However, the Act states that, on the last day for the filing of nominations, **namely the 30th day before polling day**, the office **must** be open continuously from **9:00 a.m. to 4:30 p.m.** This means that, on the 30th day before polling day, nomination papers cannot be received before 9:00 a.m. or after 4:30 p.m. (AERM, s. 153).

2.2 People who may file nomination papers

Under the Act, you need not necessarily be the person who files the nomination paper. A nomination paper can be filed by any other person.

If another person files your nomination paper, you must ensure that the form has been completed correctly, and that the person has all the supporting documents required to file it.

2.3 Content of the nomination paper and supporting documents

The information required to support your nomination is listed on the *Nomination Paper* form (SM-29 or SM-29-FIN).

The identification of the person nominated

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

Given name and surname of the person nominated

You must enter the given name and surname assigned to you at birth, or made official 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 be a candidate under the given name and surname by which you are commonly known, provided these are the names you always use in your political, professional and social life, and you are acting in good faith. In this case, you must check the appropriate box in Section 1 of the form. It is not up to the returning officer to decide if your given name and surname are the ones by which you are commonly known; this is your responsibility. Where necessary, the courts are the only authorities that may be called upon to settle this question (AERM, s. 155).

- Artist's name

A person who uses an artist's name in his or her professional life may be a candidate under the name by which he or she is commonly known.

- Spouse's name

A woman who has taken her spouse's surname may be a candidate under that name, provided it is the name she always uses in her political, professional or social life.

- Nickname or derivative name

A person may be a candidate under a nickname or derivative name or under any combination of his or her name and nickname, provided it is the name that is always used in his or her political, professional or social life.

- An initial

A person who uses an initial with his or her given name or surname may also use that initial when he or she becomes a candidate, provided it is commonly used on an everyday basis.

Date of birth of the person nominated

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

Address of the person nominated

Depending on the capacity under which you are eligible, your address is that of your domicile or of your residence. The address must include the number of the immovable, the apartment number if any, the name of the road or street, the name of the municipality and the postal code. If the immovable has no number, you must enter the cadastral number (AERM, s. 156).

Proof of identity of the person nominated

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

After examining the proof of identity, the returning officer makes a photocopy of it, certifies the copy as being true, and returns the original to you (AERM, s. 162).

Identification of political affiliation

(where applicable) (section 2 of form SM-29 or SM-29-FIN)

If you are a candidate for a recognized ticket (in a municipality with fewer than 5,000 inhabitants) or an authorized party (in a municipality with 5,000 or more inhabitants), you must enter the name of the ticket or party as it was written for the purposes of recognition or authorization (AERM, s. 158).

Identification of position

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

You must state whether you are a candidate for the office of mayor or councillor.³ When you are a candidate for the office of councillor, you must state the name or number of the electoral district or ward, where applicable, or the number assigned to the seat. An eligible person may be a candidate for only one office on the council of a municipality at any one time (AERM, ss. 146 and 157).

Note: *A municipality with a population of 100,000 inhabitants or more may adopt a by-law to allow double candidacies.*

If such a by-law is in force on the 44th day preceding polling day, a person who is a candidate for the office of mayor of a party authorized under Chapter XIII may, jointly with another candidate of the party who is his or her co-candidate, also be a candidate for the office of councillor in an electoral district.

However, the persons who avail themselves of this provision must be eligible under the above- mentioned eligibility conditions (AERM, s. 146, al. 2).

Declaration under oath of the person nominated

(section 4 of form SM-29 or SM-29-FIN)

When you become a candidate, you attest to your eligibility by taking an oath.

It is not up to the returning officer to decide whether or not you are eligible.

If in doubt, you may wish to consult a legal advisor. It is **your responsibility** to make sure you are eligible (AERM, s. 154).

Your oath may be taken before the returning officer, if it has not been taken before a person authorized to receive oaths.

If you become a candidate for the office of mayor or for a seat on the council when you know you are not eligible to do so, you may be committing an offence under the Act (AERM, ss. 632.1 and 639).

It is vital that your nomination paper is signed by you and by the person authorized to receive oaths, because your nomination paper is not valid without the oath (AERM, ss. 154 and 159). Your nomination paper will be rejected if either of the signatures is missing.

3. In a by-election, a person who already holds an office on the same council is not eligible, and must resign before becoming a candidate for another office.

Person designated to collect supporting signatures

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

You may appoint a person to be responsible for collecting the signatures required to support your nomination, on your behalf. The appointment is written directly on the nomination paper. Only you and the person you appoint are authorized to collect the supporting signatures (AERM, s. 161).

Supporting signatures

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

The people who support your nomination must be electors of the municipality. If you are a candidate in a municipality whose territory is divided for the purposes of the election, it is not necessary for your signatories to live in the electoral district or ward in which you are a candidate. When signing, an elector must enter his or her address as it is shown on the municipal list of electors (AERM, s. 160).

Your nomination paper must include a specific number of electors’ signatures. This number varies according to the size of the municipality and the office for which you are a candidate:

- **For the office of mayor**, the nomination paper must include supporting signatures from at least the following numbers of electors:
 - Municipalities with a population of less than 5,000 5
 - Municipalities with a population of 5,000 or over but under 20,000 10
 - Municipalities with a population of 20,000 or over but under 50,000 . . . 50
 - Municipalities with a population of 50,000 or over but under 100,000 . . 100
 - Municipalities with a population of 100,000 or over 200
- **For the office of councillor**, the nomination paper must include supporting signatures from at least the following number of electors:
 - Municipalities with a population of less than 5,000 5
 - Municipalities with a population of 5,000 or over but under 20,000 10
 - Municipalities with a population of 20,000 or over 25

It is advisable to obtain more than the legally required minimum number of signatures, to avoid the possibility of your election being contested on the basis that some of the signatures are not valid.

Statement by the people who collected the supporting signatures

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

Every person who collected supporting signatures must state, on the nomination form (AERM, s. 162):

- that they know the signatories;
- that the signatories signed the nomination paper in their presence;
- that, to the best of their knowledge, the signatories are qualified electors in the municipality.

Letter attesting to candidacy for a recognized ticket or authorized party

(where applicable) (section 8 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 the ticket or party, certifying that you are its official candidate for the office in question or, where that is the case, that you are a co-candidate (AERM, s. 163).

However, where section 8 of the nomination paper has been completed, it replaces the letter.

Additional information for municipalities with 5,000 inhabitants or more

(municipalities to which Chapter XIII of the AERM applies)

Publicity expenses made before the election period (s. 162.1)

(section 9 of form SM-29-FIN)

Regardless of whether you are a candidate for an authorized party or an independent candidate, your nomination paper must be accompanied by a document indicating the total amount of any publicity expenses incurred by you between January 1 of the year in which the election will take place⁴ and the beginning of the election period. If the total amount is greater than \$1,000, a detailed breakdown of all the publicity expenses must be presented.

Publicity expenses are expenses relating to the election, regardless of the type of media used, but exclude any announcement of the holding of a meeting to select a candidate, provided the announcement includes only the date, time and place of the meeting, the name and visual symbol of the party and the names of the people from whom the selection will be made.

4. In the case of a by-election, the date of January 1 is replaced by the date on which the office falls vacant.

If you are a candidate of a party, the document must show the publicity expenses that the official representative made for you, including the portion of joint publicity expenses attributable to the official representative.

A publicity expense incurred for a property or service used both before and during the period in question must be calculated using a formula based on the frequency of use during the period compared to the frequency of use before and during the period.

Designation and consent to act as official agent (s. 164)

(section 10 of form SM-29-FIN)

If you are an independent candidate, you must enter the name and address of your official agent on your nomination paper. The person you appoint as your agent must consent to the appointment by countersigning the document in which the appointment is made (AERM, s. 164). To be an official agent, a person must be a qualified elector (AERM, s. 383). You may appoint yourself to be your own official agent.

The official representative and the official agent of an independent candidate are the same person (AERM, s. 382).

Regardless of whether or not you intend to apply to be authorized, every person who files nomination papers to become an independent candidate must appoint an official agent (AERM, s. 381).

If you are a candidate for an authorized party, you do not need to appoint an official agent on your nomination paper.

Acceptance of the filing of the nomination paper

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

It is up to the returning officer to accept the filing of your nomination paper immediately, if it is complete. The returning officer cannot rule on your eligibility.

Once your nomination paper has been accepted, you will be given a receipt (SM-30) (AERM, s. 165).

Application for authorization of an independent candidate

(section 12 of form SM-29-FIN)

You must state whether or not you wish to be authorized.

If you have **already obtained authorization** using forms DGE-1028 and DGE-1028.1, *Application for authorization of an independent candidate or an elector who undertakes to become an independent candidate* before filing your nomination paper, you need only check the box indicating that this has been done, and sign the paper accordingly (AERM, ss. 400 and 400.1).

If you **do not wish to be authorized**, you must check the appropriate box and sign the paper accordingly.

If you **wish to be authorized**, you must check the appropriate box, and write down your surname at birth along with the address of your domicile, the address for communications, and the address at which your books and accounts will be kept (if different from those indicated in section 1 of the form).

You must also provide your telephone number, as well as an e-mail address, so that you can be given access to the extranet for political entities authorized by the Chief Electoral Officer, where you will find information concerning your authorization. You must then sign the form, and the returning officer must also sign this section and enter the date on which he or she agrees to your application for authorization (AERM, s. 400).

The person acting as official representative and agent must complete the section entitled *Required Training* and provide an e-mail address, so that he or she can be given access to the extranet, which contains tools that will help with tasks relating to political financing, and also the required training for official representatives and agents.

Please note that this section of your nomination paper is not considered in the decision to accept or refuse your nomination.

If you apply for authorization after filing your nomination paper, you must use form DGE-1028 *Application for authorization of an independent candidate or an elector who undertakes to become an independent candidate*, which is available from the returning officer (AERM, s. 400).

For further information on the timing of applications for authorization, please refer to Chapter 3 of this document.

3

Authorization of Independent Candidates

(Municipalities with 5,000 inhabitants or more)

You will undoubtedly need to incur at least some expenses to carry out your campaign. If you wish to solicit or receive contributions, including a contribution from yourself, or if you wish to incur expenses or take out a loan, you **must** obtain an authorization **before you do any of these things**.

An authorization will allow you, on certain conditions, to obtain a reimbursement of your election expenses.

3.1 The application for authorization

There are three points during the process at which you may submit an application for authorization: before, at the time of or after filing your nomination paper.

Before

You may obtain an authorization as from January 1 in the year preceding a general election or, in the case of a by-election, as soon as the seat becomes vacant. To do this, you must obtain the form (DGE-1028) and its appendix (DGE-1028.1) from the office of the returning officer or from the Chief Electoral Officer of Québec. For an application made before your nomination paper is filed, you must obtain signatures from electors in the municipality who state that they are in favour of your application for authorization.

At the same time

As stipulated in the subtitle *Application for authorization of a person who files a nomination as an independent candidate* (section 12 of form SM-29-FIN), you must check the appropriate box.

After

You may still apply to the returning officer for authorization after your nomination paper has been accepted, at any time until polling day. In this case you must complete the appropriate form (DGE-1028) and file it at the office of the returning officer or at the office of the assistant designated for that purpose. You do not need to attach signatures.

Once authorization has been granted, you may solicit or receive contributions and incur election expenses.

3.2 Contribution receipts

If you are authorized during the election period, the treasurer or secretary-treasurer will provide you with a book of contribution receipts.

3.3 Public notices

Information concerning authorizations is public. As soon as the returning officer has issued your authorization, the Chief Electoral Officer will display a notice to that effect on the website.



3.4 Extranet

As mentioned earlier, an extranet network is available to candidates, official representatives and official agents. The compulsory training for official agents and representatives is dispensed via the extranet, as are the tools they will need to perform tasks relating to political financing, including a copy of the *Guide for Official Representatives and Official Agents of Authorized Independent Candidates*. The Guide is a reference tool that covers:

- sources of funding;
- election expenses;
- expenses other than election expenses;
- the reports and returns that must be filed, along with a user's guide;
- reimbursement of election expenses;
- penal provisions and other penalties.

For further information on authorization, financing and control of election expenses, you may contact one of the resource people from the Chief Electoral Officer's Political Party Financing Department, at the following numbers:



Québec City Region: 418 644-3570

Toll-free: 1 866 232-6494

4 Recognition of Tickets

(Municipalities with fewer than 5,000 inhabitants)

The Act allows candidates to group together as tickets in order to obtain official recognition. All that is required is for a certain number of people to group together around a leader, and become candidates in the next general election. It is not necessary for the group leader to be a candidate for the office of mayor (AERM, s. 147).

The benefits of recognition for a ticket are that its candidates will be identified with an officially recognized organization whose name is protected, and will be designated as such on the notice of the poll and on the ballot papers.

If a ticket wishes to obtain recognition, its leader must submit a written application to the returning officer (AERM, s. 149). The application for recognition must contain:

- the name of the ticket;
- the address to which all communications intended for the ticket must be sent;
- the name, address and telephone number of the ticket leader;
- a list showing the names, addresses and signatures of at least ten electors of the municipality who are in favour of the application.

The returning officer grants recognition to any ticket that makes an application between the 44th day and the 30th day preceding polling day, provided the application is accompanied by all the elements listed above (AERM, s. 150).

However, the returning officer must refuse to recognize a ticket whose name includes the word “independent”, or is likely to mislead electors as to the ticket for which they intend to vote (AERM, s. 151).

Recognition is for a limited period. It is effective for the purpose of the first general election following recognition, and for the purpose of all by-elections held before the second general election. In other words, a recognized ticket must renew its application for recognition before each general election (AERM, s. 150).

5

Disclosure of Certain Gifts and Expense Returns

(Municipalities with fewer than 5,000 inhabitants)

5.1 The list of natural persons who have made contributions

Every person who becomes a candidate in an election for the office of mayor or for another office as a councillor of a municipality with fewer than 5,000 inhabitants must, in the 90 days following polling day, provide the treasurer with a list of the people who made one or more gifts to him or her (AERM, s. 513.1).

5.1.1 The content of the list

The list must show the name and full address of each natural person who gave an amount of more than \$50, or several amounts totalling more than \$50, to the candidate with a view to promoting his or her election. It must also show the amount paid by each person, the method(s) of payment used, and the number of payments where applicable. In addition, the list must indicate the amount or total of the amounts paid by the candidate out of his or her own property, where the total exceeds \$50, as well as the total amount of gifts of \$50 or less received by the candidate. All gifts of more than \$50 must be made by a cheque drawn on the personal account of the donor (AERM, s. 513.1.2).

Only a natural person may make a gift of money, and the total of such gifts from the same person must not exceed \$200 per candidate. In addition to such gifts, the candidate himself or herself may provide amounts of money not exceeding \$800. This means that the candidate may pay, out of his or her own property, amounts totalling not more than \$1,000.

5.2 The return of election expenses

This person must also, within the same 90-day period, send the returning officer a return of all expenses relating to his or her election, in the form prescribed by the Chief Electoral Officer (AERM, s. 513.1).

5.2.1 The content of the return

The return must contain the name and full address of each supplier, a description of the goods or services supplied, and the amount paid. It must also show all expenses paid by the candidate.

5.3 Declaration to be filed in cases where no gifts are received and no expenses are incurred

Form DGE-1038, *List of Donors and Return of Expenses*, is the only form that can be used to produce the list of gifts and the return of expenses. Even if a candidate receives no gifts and incurs no expenses, he or she must still produce form DGE-1038, no later than 90 days after polling day, in order to sign a declaration to that effect.

5.4 Offences and penalties

Under section 610.1(1) of the AERM, a person who is a candidate commits an offence if he or she collects a gift of money from a legal person, or collects a gift of money from a natural person that totals more than \$200 (or \$1,000 in the case of the candidate himself or herself).

Section 610.1(2) states that a legal person that makes a gift, or a natural person who makes a gift exceeding the permitted limit, commits an offence. Under section 610.1(3), a person other than a candidate who collects such a gift also commits an offence.

A person who is found guilty of any of these offences is liable:

- a) 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;
- b) 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. (AERM, s. 641.1).

All information concerning a finding of guilty for offences listed in section 610.1(2) of the AERM will be sent to the Associate Commissioners for Audits of the Unité permanente anticorruption (UPAC) and to the Secretariat of the Conseil du trésor for processing pursuant to the Act respecting contracting by public bodies (CQLR, chapter C-65.1) (AERM, s. 648.1).

An offence under the second paragraph of section 610.1 is also considered to be a corrupt electoral practice (AERM, s. 645). A person who is found guilty of an offence that constitutes a corrupt electoral practice is not permitted to exercise his or her electoral rights for a period of five years (AERM, s. 645.1).

A candidate who fails to produce the *Candidate's Declaration, List of Donors and Return of Expenses* form (DGE-1038) within 90 days after polling day (AERM, s. 628.1) is also guilty of offence and is liable to a fine of \$50 for each day of delay (AERM, s. 642).

A natural person who pays a cash gift of more than \$50 other than by a cheque or money order 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 must table the lists and returns received from candidates before the municipal council.

6 Additional Information

Signs and partisan publicity

The restrictions on signs and the rules governing partisan publicity always generate interest from candidates during election periods.

Rules apply, among other things, to:

- signs on public and private land, including signs along roads and streets;
- partisan publicity in the written and electronic media;
- signs and partisan publicity on polling day.

For further information, please refer to sections 283, 285.1 to 285.9, and 463 to 464 of the AERM.

Signs and partisan publicity at polling stations

Once you have been notified, if you refuse or neglect to remove forbidden partisan publicity that promotes you, your party or your ticket, the returning officer may stop it or have it removed at your expense or at the expense of the ticket or party (AERM, s. 283).

Representatives and poll runners

The Act allows every recognized ticket, authorized party or independent candidate to designate, for each polling station where a vote may be cast in favour of one of its candidates, a representative appointed by power of attorney to represent the candidate(s) before the deputy returning officer. Poll runners may also be appointed by power of attorney, in order to monitor the development of the vote on polling day (AERM, ss. 92 to 98).

Additional information can be provided on the permitted number of representatives and poll runners, how they may be chosen, disqualification from these positions, their presence at polling stations, and their role.

The right to unpaid leave

When you become a candidate in a municipal election, you may apply in writing to your employer for unpaid leave, and your employer must grant the leave.

For further information, please refer to sections 347, 348 and 350 to 356 of the AERM.

