

Translated from the original French

GUIDE for candidates for municipal council for the 2021 general election

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Gouvernement du Québec, ministère des Affaires municipales et de l'Habitation, 2021.

Table of contents

INTRODUCTION	6
1. I'M THINKING OF RUNNING FOR OFFICE WHICH POSITION TO APPLY FOR?	7
Municipal Council	7
Role and responsibilities of elected officials	7
Role of the mayor	9
Role of the councillor	9
2. HOW TO RUN AS CANDIDATE?	10
Am I eligible ?	10
Who is ineligible to be a municipal elected official?	10
The role of my municipality, the ministère des Affaires municipales et de l'Habitation and Élections Québec	12
I wish run as candidate for a position on the municipal council	14
I would like to run for office in a municipality with a population of less than 5,000	15
I wish to run for office in a municipality with a population of 5,000 or more	17
3. AFTER THE ELECTION	23
Proclamation of election	23
Swearing in	23
Declaration of pecuniary interests	24
Professional development program on municipal ethics and good conduct	24
Transmission of documents and reports	24
4. GENERAL INFORMATION ON THE MUNICIPAL WORLD	26
Local municipality	28
Borough	28
Agglomeration	29
Regional county municipality (RCM)	29
Metropolitan community	29
Legislative framework	29

INTRODUCTION

This Guide is intended as a reference tool to help you in your reflection. It attempts to answer, in a general way, all the questions you may have before submitting your nomination. It will also direct you to more complete sources of information if you wish to deepen your knowledge on a given subject.



ATTENTION: The *Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic* and the associated *Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic* provide for adaptations to the electoral rules. These adaptations, applicable only to the 2021 general election, are intended to allow the election to be held safely.

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version).

1. I'M THINKING OF RUNNING FOR OFFICE WHICH POSITION TO APPLY FOR?

The next municipal general election, which is held on a fixed date every four years on the first Sunday in November, will be held on November 7, 2021.

Thousands of Quebecers will take part in the race. Why not you?

Democracy is based on a set of values, including pluralism, which aims to encourage the expression of a diversity of ideas and points of view. Your participation in an election campaign is in itself a fundamental exercise in encouraging this diversity. And if you are elected, you can have a direct impact on your community.

Municipal Council

The municipal council is composed of elected officials. The municipal council represents the citizens and makes decisions on the orientations and priorities of the municipality.

The municipal council assumes the powers and duties devolved upon it by the law. The *Municipal Code of Québec (MCQ)* and the *Cities and Towns Act (CTA)* provide a framework for its operation. Several other laws specify the responsibilities of the municipal council in the areas under its jurisdiction (see [l'Organisation et ses engagements](#), in French only). At all times, your role as a council member must be exercised in compliance with these laws.

The number of elected members on council varies according to the size of the municipality and the division of its territory for electoral purposes. The majority of Québec municipalities have a council composed of seven elected persons, namely a mayor and six councillors. This situation prevails in most municipalities with a population of less than 20,000.

Municipalities with a population of 20,000 or more must be divided into electoral districts, each

represented by one councillor¹. These municipalities have at least eight districts, which means a minimum of eight councillors, and a mayor. Even though the *Act respecting elections and referendums in municipalities* (AERM) does not require them to do so, some municipalities with a population of less than 20,000 have chosen to divide their territory into districts. In this case, they have between six and eight councillors and a mayor².

Role and responsibilities of elected officials

As an elected official, you are responsible for ensuring that the services offered in the municipality meet the needs of the citizens. In this regard, you have three main roles to play:

Representing citizens

Your role is to represent citizens on council while acting in the best interests of your municipality. You must also keep abreast of the concerns and projects that citizens wish to see realized. When necessary or when the law provides for it, you can or must consult them.

You will be regularly solicited by citizens with specific requests. When appropriate, you will be able to direct them to the municipal services where they can obtain additional information and assistance.

Make decisions

When you sit on council, you are legally representing your municipality. Together with other elected officials, you will decide on the direction to take to achieve certain goals or solve problems.

Your council's decisions take the form of resolutions or by-laws adopted at a council meeting³. As an elected official, you will therefore be involved in making decisions.

Manage

As an elected official, you are responsible for looking after the interests and sound

administration of the municipality. At council meetings, you can ensure that projects are progressing on schedule and that the amounts committed are in line with the budget

1. *AERM*, sec. 4.
2. *AERM*, sec. 9.
3. *CTA*, sec. 350; *MCQ*, sec. 83.

Role of the mayor



Presiding over council meetings while maintaining order and decorum: you will be expected to work in concert with other council members⁴.



Participating in decision-making at Municipal Council meetings: as a mayor, you may exercise your right to vote, but you are not required to do so, unless the Act requires it⁵.



As a mayor, you can exercise a veto over a council decision (by-laws, resolutions, bonds, contracts, agreements or acts) by refusing to approve it⁶. This veto is suspensive: it can be overturned if a majority of council members required by the Act re-enacts the same decision. Once the council has re-enacted the decision, it is legal and valid, despite your refusal.



Signing by-laws, resolutions and contracts of the municipality after their adoption by the council⁷.



Overseeing the application of by-laws and resolutions. You must also provide the council with any information deemed to be in the public interest⁸.



Exercising supervisory, investigative and control powers over the affairs and employees of the municipality. In addition, you must ensure that the revenues of the municipality are collected and spent in accordance with the Act⁹.



In the event of an emergency that threatens the lives of citizens, their health or the integrity of municipal facilities, you may authorize such expenditures and award such contracts as are deemed necessary to resolve the situation¹⁰.



Representing the entire population of the municipality. In addition, you represent the municipality on the council of the regional county municipality (RCM), if applicable¹¹.

Role of the councillor



Attending City Council meetings. You will represent the interests of the community.



Participating in decision-making.



Voting on all resolutions and regulations¹².



You may be appointed to commissions or committees established by the council. Your mandate as a councillor may also require you to work on specific issues, in which case you must respect the responsibilities of municipal officials.



The municipal council of a municipality governed by the *Cities and Towns Act* must appoint a councillor to the position of acting mayor¹³. This position is optional for municipalities governed by the MCQ¹⁴. If appointed, you will perform the duties of the mayor in his or her absence, with the rights and obligations of the office, except for the right of veto, for which special provisions apply depending on whether the municipality is governed by the CTA or the MCQ.

4. CTA, sec. 328; MCQ sec. 158.

5. CTA, sec. 328; MCQ, sec. 161.

6. CTA, sec. 53; MCQ, sec. 142.

7. CTA, sec. 53; MCQ, sec. 142.

8. CTA, sec. 52; MCQ, sec. 142.

9. CTA, sec. 52; MCQ, sec. 142.

10. CTA, sec. 573.2; MCQ, sec. 937.

11. *Act respecting municipal territorial organization*, sec. 210.24.

12. CTA, sec. 328; MCQ, sec. 164.

13. CTA, sec. 56.

14. MCQ, sec. 116.

2. HOW TO RUN AS CANDIDATE?

Am I eligible ?

You must first determine if you are eligible to run for municipal office. This is called eligibility.

To be eligible, a person must:

1° First have the right to be registered on the list of electors of the municipality holding an election, i.e. to be a qualified elector.

To qualify as an elector, a person must

- be of the age of majority, i.e. at least 18 years old on November 7, 2021.
- be a Canadian citizen on September 1, 2021.
- not be under curatorship on September 1, 2021.
- not have been convicted of a corrupt electoral practice.
- be domiciled in the territory of the municipality on September 1, 2021 and, since at least March 1, 2021, in Québec

OR

- be, since at least September 1, 2020, the owner of an immovable or the occupant of a business establishment situated in the territory of the municipality.

2° have resided continuously or not in the territory of the municipality for at least the last 12 months on September 1, 2021, or since September 1, 2020.

3° not be ineligible under the Act.

Who is ineligible to be a municipal elected official?

In certain situations, a person is not allowed to run for an elected position: this is called ineligibility.

Some elected officials:

- ministers of the Gouvernement du Québec and the Government of Canada
- any person who holds an office of a member of council of another local municipality

Some public servants:

- of the municipality, except volunteer firefighters, first responders and other persons who are deemed by a law to be staff members or officers of the municipality, but who are not as such
- of a mandatory body of the municipality (e.g.: Office municipal d'habitation)
- of the ministère des Affaires municipales et de l'Habitation (MAMH) who are not employees within the meaning of the Labor Code (e.g., managers). Thus, MAMH employees are eligible
- of the Commission municipale du Québec (MCQ) who are not employees within the meaning of the *Labour Code*. Thus, the employees of the MCQ are eligible

Some people involved in the November 7, 2021 general election:

- candidates in a municipal election in another local municipality
- election officers of the municipality
- the official agent and official representative of an authorized political party and their deputies and their delegates
- the official agent and official representative of an independent candidate for the 2021 general election, other than the candidate

Certain persons performing specific functions in the administrative and judicial spheres:

- judges of the courts of justice
- the Director of Criminal and Penal Prosecutions and criminal and penal prosecutors
- members of the Commission municipale du Québec (MCQ)
- the Chief Electoral Officer (CEO) and other members of the Commission de la représentation électorale (CRÉ)

Certain persons holding the office of leader of a party or independent candidates in a previous election:

- whose financial report or return of election expenses required by the Act has not been filed within the prescribed period, until the report or return is transmitted;
- who have not paid in full debts contracted during the term of their authorization in accordance with the Act, for four years from the date of default. However, the ineligibility affecting an elected independent 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.

In addition, a person who is disqualified from holding office as an elected official may not run for municipal office for the duration of that disqualification. He or she is therefore ineligible.

Disqualification concerns an elected person who, for reasons provided for and regulated by the Act, is no longer fit to hold office. This is the case, for example:

- where a person is convicted of a corrupt electoral practice or an offence punishable by imprisonment for a term of two years or more .
- where a person who has engaged in conduct prohibited by the Act such as filing an incomplete written statement of pecuniary interest, having a direct or indirect interest in a

contract with the municipality, embezzlement, breach of trust or misconduct is declared disqualified by the Court.

For more information

The list of ineligibilities is not exhaustive. It is your responsibility to verify if you are eligible before running for a position on your municipal council.

In this regard, we invite you to consult the sections of the [*Act respecting elections and referendums in municipalities*](#) dealing with:

- eligibility, sections 61 to 67.
- disqualification, sections 300 to 306.

You would be committing an offence if you ran for office knowing you were ineligible (section 632, AERM).

- control of election expenses.

Contact information for your municipality can be found in the [Répertoire des municipalités](#) at: (In French only)

The role of my municipality, the ministère des Affaires municipales et de l'Habitation and Élections Québec

In my municipality

Many of your questions will be answered by your municipality:

The **clerk** or **secretary-treasurer** plays an important role in municipal elections. This person acts as the returning officer.

The **returning** officer is responsible for ensuring that the election is held and that it runs smoothly. He or she will be able to answer your questions about the election process, from the nomination stage to the declaration of the election following the vote. To assist with the exercise of his or her task, the returning officer may appoint an assistant to whom he or she may delegate some duties.

The treasurer is also entrusted with several responsibilities. This person acts under the authority of the Chief Electoral Officer in the application of chapter XIII of the AERM. Candidates may therefore refer to this person with respect to:

- political financing.
- financing of political party leadership campaigns.

Government agencies

The ministère des Affaires municipales et de l'Habitation

The ministère des Affaires municipales et de l'Habitation (MAMH) is responsible for administering the AERM and promoting the exercise of municipal democracy, including fostering participation in municipal institutions.

In addition to this guide, more information is available at: www.electionsmunicipales.gouv.qc.ca (In French only), a website put online by the MAMH.

Finally, don't hesitate to contact your regional MAMH branch. You can find the contact information at this address:

<https://www.quebec.ca/gouv/ministere/affaires-municipales/coordonnees/joindre-directions-regionales/>.

The regional branches of the MAMH offer information sessions on the roles and responsibilities of elected officials, as well as support and coaching in municipal management.

Élections Québec, under the authority of the Chief Electoral Officer

Élections Québec, under the authority of the Chief Electoral Officer (CEO), is involved in several aspects of municipal elections including :

- support of the returning officers and treasurers in the performance of their duties.
- the application of the provisions of the AERM relating to the authorization and financing of municipal political parties and independent candidates, the financing of political party leadership campaigns and the control of election expenses.
- the maintenance of the registry of authorized political parties and independent candidates
- investigations and prosecutions.
- information and intelligence.

The Commission de la représentation électorale,

chaired by the Chief Electoral Officer, has responsibilities in the area of municipal electoral district boundaries.

You can consult the website of Élections Québec at the following address :

<https://www.electionsquebec.qc.ca/english/index.php>.

I wish run as candidate for a position on the municipal council

Nomination papers

To be a candidate, you must obtain a nomination paper from your municipal returning officer.

The nomination paper must be completed and filed with the returning officer of the municipality between the 51st and 37th day before the election, which is between September 17 and October 1, 2021, at 4:30 p.m.

In addition, candidates must ensure that they comply with the measures in the [*Health protocol to reduce the risk of the spread of COVID-19 during the 2021 municipal general election*](#) when filing their nomination papers.

- A person may only be a candidate for one council position at a time¹⁵. Each nomination paper must contain, among other things¹⁶

- the surname, first name, address and date of birth of the candidate.
- the candidate's telephone number.
- the position he or she wishes to run for.
 - a sworn statement of the candidate's eligibility.

The nomination papers must be accompanied by

- identification showing the candidate's name and date of birth (e.g., driver's license, health insurance card).
- the required supporting signatures and addresses of the signatories (the number of signatures required varies by position and by size of municipality).

These signatories must be electors in your municipality.

15. However, there is an exception. In municipalities with a population of 100,000 or more, if the regulation of the municipal council so provides and is passed before September 24, 2021, a candidate for mayor may also run as a councillor in only one electoral district, with the assistance of a co-candidate

16. Sec. 153 to 155 and 160 AERM.

For the position of mayor (or borough mayor), the thresholds are as follows¹⁷:

- less than 5,000 inhabitants: 5 signatures
- 5,000 to 19,999 inhabitants: 10 signatures
- 20,000 to 49,999 inhabitants: 50 signatures
- 50,000 to 99,999 inhabitants: 50 signatures
- 100,000 inhabitants and more: 50 signatures

In addition, candidates must ensure that they comply with the measures in the [Health protocol to reduce the risk of the spreading COVID-19 during the 2021 municipal general election with respect to authorization, financing and election expenses](#) when collecting supporting signatures.

For a councillor position, the nomination paper must be accompanied by a minimum number of signatures, which varies according to the population of the municipality or borough¹⁸. The minimum number of signatures is as follows:

- less than 5,000 inhabitants: 5 signatures
- 5,000 to 19,999 inhabitants: 10 signatures
- 20,000 inhabitants and over: 25 signatures

Only the candidate and the person designated by the candidate in the nomination paper may collect supporting signatures¹⁹.

If all criteria are met, the returning officer shall accept the nomination forthwith and issue an acknowledgement of receipt²⁰. It is the responsibility of the candidate to ensure his/her eligibility²¹. No fee may be charged by the returning officer for a copy of the nomination papers.

The funding rules will vary depending on whether you are running in a municipality with a population of less than 5,000 or a population of 5,000 or more.

I would like to run for office in a municipality with a population of less than 5,000

In a municipality with a population of less than 5,000, any person who wishes to run for office must file a nomination paper but does not have to obtain an authorization to collect donations and incur expenses.

Furthermore, in these municipalities, political parties do not exist. However, individuals who wish to unite around a common plan of action in the municipal election may form a recognized ticket. As a member of a recognized ticket, you will see the ticket's name on the ballot.

To have a ticket recognized, the leader must send a written request to the municipal returning officer. This application must contain

- the name of the ticket, which may not contain the word "independent".
- the address to which communications to the ticket are to be sent.
- the name, address and telephone number of the leader of the ticket.
- the name, address and signature of at least 10 electors in the municipality who support the nomination.

The ticket must be recognized prior to the filing of nominations for its members. In addition, the ticket must reapply for recognition before each general election.

¹⁷ Sec. 160, AERM.

¹⁸ Sec. 160, AERM.

¹⁹ Sec. 161, AERM.

²⁰ You may withdraw your nomination at any time without penalty. To do so, you must send a signed notice to the returning officer to that effect. A notice of withdrawal is also required if, before the end of the nomination period, you wish to run for another office. You will then be required to file a new nomination paper.

²¹ However, the effect of the September 20, 2017, directive from the Chief Electoral Officer is to provide the presiding officer with the authority to refuse a nomination where the candidate being sworn in has been convicted of a corrupt electoral practice and the judgment has become final. This means that the candidate must be subject to a judgment that has reached the end of the judicial process (judgment rendered and time for appeal expired).

What are the rules for financing?

As a candidate in a municipality with a population of less than 5,000, you are subject to Chapter XIV of the AERM, which sets out rules for the disclosure of certain donations and return of election expenses.

Any candidate, whether a member of a recognized ticket or not, remains fully responsible for his or her financing and expenses, which cannot be attributed to a recognized ticket.

In order to support his or her election campaign, a candidate may receive a donation in the form of a sum of money, a service or a good provided free of charge and for political purposes. It should be noted that only an individual may donate, the total of which must not exceed \$200 per candidate. In addition, a candidate may make additional contributions to himself or herself, up to a maximum of \$800²². In total, therefore, a candidate may contribute a maximum of \$1,000 to himself or herself during an election.

All information regarding political financing obligations, including donations, expenses and filing requirements, is available on the website of [Élections Québec](#). For further information, a candidate may also contact the treasurer of his/her municipality.

In addition, it is necessary to ensure compliance with the measures in the [*Health protocol to reduce the risk of the spread of COVID-19 during the 2021 municipal general election with respect to authorization, political financing and election expenses*](#), including soliciting or collecting donations, or meeting face-to-face with the treasurer.

The [Elections in the time of COVID-19](#) section of the Elections Québec website can be consulted for more information.

22. Sec. 513.1.1, AERM.

I wish to run for office in a municipality with a population of 5,000 or more²³

In a municipality with a population of 5,000 or more, you may choose to run as

- an independent candidate, or
- a candidate of a political party.

What is the difference between an independent candidate and a candidate who is a member of a political party?

Political party

People who want to run for office in a municipality with a population of 5,000 or more may choose to do so as a member of a political party. In this case, they will be part of an organization whose members work together to elect people and exercise power. Political parties can be found exclusively in municipalities with a population of 5,000 or more.

Political parties must be mandatorily authorized by the Chief Electoral Officer . In addition, they

must comply with certain rules concerning financing and the control of election expenses, pursuant to chapter XIII of the *AERM*. Finally, the Chief Electoral Officer ensures that the name of a party is not likely to cause confusion with that of another party and does not include the word "independent"²⁴.

Independent candidate

It is also possible to run as an independent candidate, i.e., not affiliated with a political party. An independent candidate has two options:

1. obtaining the authorization of the Chief Electoral Officer or the returning officer to solicit or collect contributions or incur expenses. Like a political party, an authorized independent candidate must then comply with certain rules regarding financing and control of expenses, under chapter XIII of the *AERM*;
2. not requesting this authorization. In this case, the person who does not wish to be authorized may not solicit or collect contributions, incur expenses, even out of his or her own money, or contract loans, on pain of committing an offence under the *AERM*.

²³ Or in a municipality with a population of less than 5,000 to which Chapter XIII of the *AERM* applies, namely as of July 5, 2021: Chersey, La Pocatière, Oka, Rivière-Rouge, Témiscouata-sur-le-Lac and Warwick (Sec. 365, *AERM*).

²⁴ Sec. 398, *AERM*.

How to obtain authorization?

As mentioned above, any political party must obtain an authorization from the Chief Electoral Officer. The same applies to any independent candidate who wishes to solicit or collect contributions or incur expenses²⁵. Such authorization is necessary even if the candidate intends to use goods or services that come from his own patrimony.

Authorization of the independent candidate

The authorization of the independent candidate is granted by the returning officer, under the authority of the Chief Electoral Officer. During an election period, it may also be granted by the assistant designated by the returning officer to receive nomination papers²⁶.

An elector who undertakes to be an independent candidate may apply for authorization as early as January 1 of the year preceding the year of the general election²⁷ that is, as early as January 1, 2020 for the 2021 general election.

The nomination papers of the elector who undertakes to run as an independent candidate must include the following information²⁸:

- his or her name, home address and telephone number
- the name of the municipality for whose council the person wishes to run
- the address to which communications to him or her are to be sent
- the address where the books and accounts will be kept
- the name, address and telephone number of his or her official representative, unless the person designates himself or herself

²⁵ Sec. 395, *AERM*.

²⁶ Sec. 375, *AERM*.

²⁷ Sec. 400.1, *AERM*.

²⁸ Sec. 400 and 400.1, *AERM*.

The application must also be accompanied by supporting signatures from electors, the number of which varies according to the population of the municipality and the type of position. The thresholds are the same as for the nomination paper, that is, for the position of mayor (or borough mayor):

- Less than 5,000 population: 5 signatures.
- 5,000 to 19,999 inhabitants: 10 signatures.
- 20,000 to 49,999: 50 signatures.
- 50,000 to 99,999 inhabitants: 50 signatures.
- 100,000 and over: 50 signatures.

In addition, candidates must ensure that they comply with the measures in the [Health protocol to reduce the risk of the spread of COVID-19 during the 2021 municipal general election with respect to authorization, political financing and election expenses](#) when collecting the supporting signatures.

For a councillor position, the thresholds are as follows:

- less than 5,000 population: 5 signatures
- 5,000 to 19,999 population: 10 signatures
- 20,000 and over: 25 signatures

The independent candidate's request for authorization may also be made at the time of filing the nomination paper, or afterwards. Information on the process and the documents to be filed is available from the returning officer.

An authorized independent candidate, or one who seeks authorization, must appoint a person to act as official representative, who will be responsible for soliciting and collecting election contributions, and as official agent, who will be responsible for election expenses. In the case of an independent candidate, these two roles must be assumed by the same person.

An authorized independent candidate may also designate himself as an official agent and as an official representative when filing his nomination paper or application for authorization. In this case, he or she will be responsible for all the rules governing:

- the management of the election fund.
- the control of the sums collected.
- election expenses and advertising.
- the filing and transmission of any report required by the Act.

Authorization of the political party

The application for authorization of a political party must be made by the leader of the party, who must be an elector of the municipality²⁹. It must contain the following information³⁰:

- the name of the party
- the address to which communications to the party are to be sent
- the address where the books and accounts relating to the party's funds, its expenditures and the party's funds, expenditures and loans will be kept
- the name, home address and telephone number of the leader of the party
- the name, home address and telephone number of two officers of the Party other than the leader
- the name, address and telephone number of the official representative of the party and, if applicable, of its delegates
- the name of the party's auditor, if any
- the address of the permanent office of the party, if any
- the name of the municipality in whose territory it intends to operate and for whose council it intends to run candidates
- the amount of funds available to the party

In addition, the application for authorization must be accompanied by the supporting signatures of party members who are electors of the municipality and who support the application. This number varies according to the population of the municipality:

- 5,000 to 49,999 population: 25 signatures
- 50,000 to 99,999: 50 signatures
- 100,000 or more: 50 signatures

- It is necessary to ensure compliance with the measures in the [Health protocol to](#)

[reduce the risk of the spread of COVID-19 during the 2021 municipal general election with respect to authorization, political financing and election expenses](#) when collecting supporting signatures.

- In the case of a political party, the official representative acts ex officio as official agent. However, the leader of the party may designate another person to act as official agent³¹. The election expenses of all the candidates of the party are under the responsibility of the official agent.

29. Sec. 378, AERM.

30. Sec. 397, AERM.

31. Sec. 382, AERM.

What documents should I attach when submitting my nomination papers?

In addition to the nomination paper and supporting signatures, a candidate in a municipality with a population of 5,000 or more must submit specific documents:

- a document setting out the total amount of any advertising expenses in relation to the election incurred between January 1, 2021 and September 17, 2021, through his or her official representative or the official representative of his or her party³². Where the total amount exceeds \$1,000, all advertising expenses must be itemized.
- if the person is a member of a political party, a letter from the leader of the party certifying that the person is the party's official candidate for the position³³.
- in the case of an independent candidate, the application for authorization to solicit or collect contributions or incur election expenses, if applicable³⁴. In this case, the candidate will also have to provide a written document signed by him or her in which the candidate designates his or her official agent. If the candidate does not act in this capacity, the writing must mention the consent of the official agent and be countersigned by the latter³⁵.

These documents are most often found on the nomination paper available from the returning officer of your municipality.

Financing and election expenses

In a municipality with a population of 5,000 or more, a party or an independent candidate may receive contributions in the form of money or goods

32. Sec. 162.1, *AERM*.

33. Sec. 163, *AERM*.

34. Sec. 400, *AERM*.

35. Sec. 164, *AERM*.

36. Sec. 427, *AERM*.

37. Sec. 433, *AERM*.

38. The term "authorized political entity" includes the authorized elector who undertakes to run as an independent candidate, the authorized independent candidate and the authorized political party.

39. Sec. 431, *AERM*.

40. Sec. 442.1 to 442.5, *AERM*.

or services provided free of charge for political purposes³⁶. Contributions may only be made by an elector of the municipality, including the candidate, to the official representative, or to persons designated in writing by the official representative³⁷.

Contributions made by an elector shall not exceed \$100 per authorized political entity³⁸ in any one fiscal year. However, in the fiscal year in which a general election is held, an elector may make additional contributions not exceeding \$100 for each authorized political entity³⁹.

In addition, at the time of being accepted as a candidate, a candidate may make additional contributions of up to \$800 to himself or herself or to his or her party. For example, in a general election year, an authorized independent candidate may contribute up to \$1,000 to himself or herself, and a party candidate may contribute the same amount to his or her party.

In addition to contributions, other sources of funding are also possible. In addition, in certain circumstances, authorized independent candidates and political parties may receive public funding.

Public funding

In a general election year, in a municipality with a population of 20,000 or more, the amount of contributions received from January 1, 2021 until election day is used to calculate the matching revenues that are paid by the treasurer of the municipality. This additional public funding is capped based on the type of position and the population of the municipality. Contributions made by the candidate are not included in this calculation⁴⁰.

In addition, municipalities with a population of 20,000 or more also provide an annual allocation to parties that received at least 1% of the votes cast in the last general election. The distribution of the amount among the parties is based on the percentage of votes received by each of their candidates⁴¹.

Finally, it is possible for an authorized independent candidate who was elected or who obtained at least 15% of the votes cast during the election to obtain the reimbursement of an amount equal to 70% of his election expenses, from which the matching revenues are subtracted. However, the reimbursement to which the authorized independent candidate is entitled cannot exceed the amount of the debts arising from his election expenses and his personal contribution⁴². The same reimbursement is provided for parties with respect to candidates who were elected or who obtained at least 15% of the votes cast in the election⁴³. It is important to respect the limits on election expenses set out in the AERM, which vary according to the position and the number of registered electors of the municipality⁴⁴, and to keep all the proof of these expenses in order to obtain a reimbursement when possible.

41. Sec. 449.1, AERM.

42. Sec. 476, AERM.

43. Sec. 475, AERM.

44. Sec. 465, AERM.

For more information on financing, election expenses and their reimbursement, candidates may consult the [Elections Québec](#) website. They can also contact the treasurer of their municipality, who will be able to refer them to an Elections Québec political financing coordinator if necessary.

In addition, it is necessary to ensure compliance with the measures in the [*Health protocol to reduce the risk of spreading COVID-19 during the 2021 municipal general election with respect to authorization, political financing and election expenses*](#), including soliciting or collecting contributions, organizing political activities or meeting face-to-face with the treasurer. The [Elections in the time of COVID-19](#) section of the Elections Québec website can be consulted for more information.

3. AFTER THE ELECTION

If you are elected, your mandate begins when you take the oath of office. To carry out your mandate in accordance with the Act, four formalities are required:

- the declaration of election
- the oath of office
- the declaration of pecuniary interests
- professional development program on municipal ethics and good conduct

In addition, whether you are elected or not, you will have to submit documents and return of expenses, which vary according to the size of the municipality.

For more information

The *Welcome and Reference Guide for Elected Municipal Officials* (available on demand) (*Guide d'accueil et de référence pour les élues et les élus municipaux*) published by the MAMH, is an information and reference tool that should answer your questions and provide you with information on:

- the municipal environment.
- the municipal operation.
- municipal elected officials.
- municipal managers.
- municipal management and administration.
- citizen participation in municipal life.
- support and partnership.

Proclamation of election

The official proclamation of your election is made in writing and signed by the returning officer of the municipality⁴⁵. In the case of an unopposed election, the declaration of election is made at the end of the period for filing nomination papers⁴⁶. If the election was conducted by ballot, the declaration of election is made at the end of the four-day period for requesting a recount, that is, on the fifth day after the completion of the addition of the votes⁴⁷.

Swearing in

From the time you are declared an elected person, you have 30 days to take an oath that you will perform your duties in accordance with the Act⁴⁸. If you fail to take the oath within that 30-day period, your office is vacant and a new election must be held.

45. Sec. 258, *AERM*.

46. Sec. 168, *AERM*.

47. Sec 255, 263 and 264, *AERM*. In the case where a recount or a new addition of votes is requested from the Cour du Québec, other time limits apply.

48. Sec. 313, *AERM*.

Declaration of pecuniary interests

In order to avoid placing yourself in a potential conflict of interest situation and to make municipal government as transparent as possible, the AERM requires that you file a declaration of your pecuniary interests within 60 days of being declared elected⁴⁹.

There are two types of pecuniary interests that you must declare:

- those you hold in immovables, including the family residence, located within the territory of the municipality, regional county municipality or metropolitan community that concerns you:
- those you hold in corporations, partnerships and businesses, regardless of where they operate, provided they are likely to enter into contracts with the municipality or any other municipal body of which you will be a member of as member of the municipal council.
- You must report loans with a principal and interest balance of more than \$2,000 that were concluded with the persons other than a financial institution. You must also report loans of over \$2,000 granted to persons other than your immediate family.
- Finally, your return must also include any employment or directorships you hold in addition to your elected office.

Consequence of a false or incomplete declaration

If you file an intentionally false or incomplete statement, the penalty is disqualification from serving as a council member⁵⁰. Your disqualification lasts for five years from the date of the judgment declaring you disqualified. You will no longer be able to hold office as an elected official or to run for office on the council of any municipality during this period.

Professional development program on municipal ethics and good conduct

Municipalities are responsible for adopting a code of ethics and conduct for elected municipal officials⁵¹. This code sets out the municipality's main ethical values and guides the municipality's council members in assessing the rules of conduct.

Under the *Municipal Ethics and Good Conduct Act (MEGCA)*, as a municipal council member you will be required to participate in a professional development program on municipal ethics and good conduct within six months of taking office, unless you have already participated in such a program.⁵²

Failure to comply with a rule set out in a code of ethics and conduct may result in the imposition of a sanction.

For more information on ethics and good conduct, interested parties are invited to consult the section specifically reserved for these issues on the [website of the Commission municipale du Québec \(in French only\)](#).

Transmission of documents and reports

Whether or not you are elected, you must submit the documents and reports provided for in the AERM in Chapter XIV, if you are in a municipality with a population of less than 5,000, or in Chapter XIII, if you are in a municipality with a population of 5,000 or more.

49. Sec. 357, *AERM*.

50. Sec. 303, *AERM*.

51. *Municipal Ethics and Good Conduct Act*, section. 1.

52. Sec. 15, *MEGCA*.

In a municipality with a population of less than 5,000, you must send to the treasurer of your municipality, within 90 days of November 7, 2021:

- a list of persons who have made donations to you totaling more than \$50, including amounts over \$50 that you have contributed to yourself, and a return of expenses⁵³, or
- a statement that you have not received or collected any donations or incur any election expenses, in the form prescribed by the Chief Electoral Officer⁵⁴.

This list, return of expenses and declaration are included in the [Donor list and expense report – Municipalities under 5,000 inhabitants](#)

- If you ran as an authorized independent candidate in a municipality with a population 5,000 or more, your official representative and official agent must send to the treasurer of your municipality, within 90 days of November 7, 2021:
- a financial report detailing the source of your financing, accompanied by contribution receipts and vouchers⁵⁵.
- a return of your election expenses, accompanied by invoices, receipts and other vouchers⁵⁶.

Similar obligations apply to official agents and political party leaders, but in these cases, accountability is at the party level.

Elections Québec produces guides and forms on political financing. These differ depending on whether they apply to candidates in a municipality with a population of [less than 5,000](#) or [5,000 inhabitants or more](#).

We invite you to consult the [Health protocol to reduce the risk of spreading COVID-19 during the 2021 municipal general election with respect to authorization, political financing and election expenses](#) or the [Elections in the time of COVID-19](#) section of Élections Québec website for more information.

53. Sec. 513.1, AERM.

54. Sec. 513.1.0.1, AERM.

55. Sec. 479 to 487, AERM.

56. Sec. 492 to 494, AERM.

4. GENERAL INFORMATION ON THE MUNICIPAL WORLD

Québec has more than 1,100 municipalities and more than 8,000 elected municipal positions.

The role of these elected officials is not only to administer the municipalities so that the services offered meet the needs of the population, but also to represent the population and defend its interests. Elected municipal officials are essential actors in the development of a vision for the future in terms of economic development, the environment, culture and land use planning. In short, elected municipal officials are an essential link in our democracy.

Local municipality

City, village, township, united townships, parish

There are more than 1,100 municipal councils throughout Québec. The local municipalities they represent vary greatly in size and level of urbanization. The vast majority of them are rural and have few inhabitants. On the other hand, the 10 largest cities account for nearly 50% of Québec's population. In this context, the issues, financial capacities, powers and services offered vary from one municipality to another.

Local municipalities have the powers granted to them by the laws of Québec. They may not exceed these powers, nor may they delegate them to other bodies, except as expressly permitted by law. Elected officials can only manage their municipality in accordance with the rules clearly defined in the laws.

Municipalities have powers of intervention in several areas. The *Municipal Powers Act*, the *Cities and Towns Act* and the *Municipal Code of Québec* (Loi sur les compétences municipales, la Loi sur les cités et villes et le Code municipal du Québec) set out the main powers that are vested in municipalities. Some cities in Québec, particularly those with boroughs, have their own powers and governance model. The following table illustrates some of these powers.

THE POWERS AND AUTHORITIES OF MUNICIPAL AND BOROUGH COUNCILS ⁵⁷

Body:

MUNICIPAL COUNCIL

Responsibilities :

- urban planning and development
- local economic development
- municipal roads
- drinking water supply
- wastewater treatment
- community development, recreation and culture
- taxing power and property assessment
- residual materials management
- municipal court
- social housing
- police and fire services
- holding of elections and referendums

BODY:

BOROUGH COUNCIL

(in some cases)

RESPONSIBILITIES:

- Public consultation meetings for modifications to the urban planning by-laws
- Consulting and informing the population
- Fire prevention
- Garbage and residual materials disposal
- Financial support to organizations promoting local economic, community and social development
- Parks and local sports, cultural and recreational facilities
- Organization of sports and socio-cultural recreation
- Local roads
- Issuance of permit

57. This list is for illustrative purposes only. A municipality may have additional powers and authorities depending, for example, on its size or certain regional characteristics. The powers of borough councils also vary from one municipality to another.

Municipalities can act in all of these areas. Some of these powers are optional, others are mandatory. Among these, there is the obligation for a municipality to prepare and adopt a budget, to ensure that its territory is subject to urban planning by-laws and is served by a police force. Furthermore, when a municipality decides to exercise a power and provide a service to its citizens, it becomes liable for the harm it causes if that function is not carried out properly.

These powers are exercised differently from one municipality to another, depending on the resources available, the needs to be met and the means of action implemented to meet them. Some powers may also be shared with other organizations.

Examples of agglomeration powers include public transit, police services, fire safety services, residual materials disposal and reclamation, etc.

Borough

The borough is a representation, decision-making and consultation body set up to preserve local particularities and to manage proximity services. There are eight local municipalities divided into boroughs.

The borough council is made up of councillors elected by the borough's electors. Some of these councillors are also members of the municipality council.

Agglomeration

An agglomeration is a territory comprising the territory of a number of related municipalities, including a central municipality. Only the central municipality can act with respect to agglomeration powers, which are powers of common interest. To this end, it has jurisdiction not only over its own territory, but also over that of any other linked municipality. Thus, the central municipality has, in addition to its municipal council, an agglomeration council made up of elected representatives of all the linked municipalities. The agglomeration council makes decisions by majority vote. The number of votes of the representatives of each municipality on this council is granted according to the size of the population they represent.

Regional county municipality (RCM)

Regional County Municipalities (RCMs) were created in response to needs of a supralocal nature or to facilitate the pooling of services. They bring together rural and urban municipalities of different sizes.

The RCM is governed by a council made up of the mayor of each of the local municipalities located within its territory and any other representatives provided for in its constituting decree. The members of the council elect a warden from among themselves, except for 18 RCMs where the warden is elected by the citizens. The election of these wardens takes place at the same time as the general municipal elections.

Among the responsibilities of the MRCs are, for example, land use planning, waste management planning, watercourse management, local and regional development and the preparation of assessment rolls.

Metropolitan community

Québec has two metropolitan communities: Montréal and Québec City. Their mission is to ensure greater coherence in the planning and management of the development of the territory they cover, thanks to a vision shared by all the municipalities that make up the community: 82 in the case of the Communauté métropolitaine de Montréal and 28 in the Communauté métropolitaine de Québec. They are directed by councils composed of elected officials from the municipalities that are part of the community's territory.

Legislative framework

The Act respecting elections and referendums in municipalities (AERM)

The Act respecting elections and referendums in municipalities (AERM) is your main legal source of information. This Act governs the entire municipal electoral process in Québec. You will find the rules concerning the filing of nomination papers, the electoral procedure, the role of the various actors involved, the authorization and financing of political parties and independent candidates, the offences and the corresponding penalties. Since the AERM is regularly amended, it is recommended that you consult the most recent version, available on the [LégisQuébec website](#), to ensure that you comply with it.

