


# POLITICAL PARTY HANDBOOK

**August 24, 2000**

EC 20229

# Important note to the reader

This is a draft version of
the ***Political Party Handbook.***

This handbook facilitates researching federal electoral legislation. Please refer to the provisions of the *Canada Elections Act*, and those of other relevant legislation, which are the sources of the legal requirements for political parties.

**October 16, 2000**

## TABLE OF CONTENTS

**Page**

**Introduction** ..... 7
*Your opinion counts* ..... 7

**Overview** ..... 8

**Key terms and definitions** ..... 10
*Political party* ..... 10
*Application to register a political party (EC 20225)* ..... 10
*Registry of Political Parties* ..... 10
*Party's full name* ..... 11
*Party's short-form name or abbreviation* ..... 11
*Logo* ..... 11
*Party leader* ..... 11
*Chief agent* ..... 12
*Agents (registered agents)* ..... 12
*Auditor* ..... 12
*Party officer* ..... 12
*Election* ..... 13
*Election period* ..... 13
*Election expense* ..... 13
*Electoral district association* ..... 13
*Party members for the purpose of the application form* ..... 13
*Eligible party* ..... 13
*Registered party* ..... 14
*Suspended party* ..... 14
*Suspension* ..... 14
*Deregistration* ..... 14
*Third party* ..... 15
*Nomination paper (EC 20010)* ..... 15
*Candidate* ..... 15
*Returning officer* ..... 16
*Official agent* ..... 16
*Resolution* ..... 16
*Trust fund* ..... 16

**1. REGISTRATION** ..... 17

**1.1. Application for registration** ..... 17
*1.1.1. Overview* ..... 17

**1.2. Benefits of being a registered political party** ..... 17

**1.3. Broadcasting** ..... 18
*1.3.1. Broadcasting Arbitrator* ..... 18
*1.3.2. Allocation to registered political parties of broadcasting time for purchase* ..... 19
*1.3.3. Availability to eligible and registered political parties of free broadcasting time* ..... 19
*1.3.4. Broadcasting Arbitrator's guidelines* ..... 20
*1.3.5. Broadcasting restrictions* ..... 21
*1.3.5.1. Blackout period* ..... 21
*1.3.5.2. Premature transmission of election results* ..... 21
*1.3.5.3. Broadcasting public opinion survey results* ..... 21
*1.3.5.4. Broadcasting from outside Canada* ..... 22

**1.4. Obligations of parties** ..... 22
*1.4.1. Statutory obligations* ..... 22

**1.5. Application requirements** ..... 24
*1.5.1. The applicant* ..... 24
*1.5.2. Contents of application* ..... 24
*1.5.3. Restrictions on names* ..... 25
*1.5.4. Information on party logo* ..... 25
*1.5.5. Transmitting the application* ..... 25
*1.5.6. Verification of the application by the Chief Electoral Officer* ..... 26
*1.5.7. Eligibility for registration* ..... 26
*1.5.8. Loss of eligibility for registration* ..... 26
*1.5.9. Advertising expenses limits during an election* ..... 27

**1.6. Appointments** ..... 27
*1.6.1. Appointing a chief agent* ..... 27
*1.6.2. Appointing agents (registered or electoral district agents)* ..... 28
*1.6.3. Appointing corporations as registered agents* ..... 28
*1.6.4. Ineligibility to the position of chief agent or registered agent* ..... 28
*1.6.5. The chief agent's role* ..... 29
*1.6.5.1. For registered and eligible parties* ..... 29
*1.6.5.2. For suspended parties* ..... 30
*1.6.5.3. For merging parties* ..... 30
*1.6.6. Appointing an auditor* ..... 31
*1.6.6.1. Ineligibility to the position of auditor* ..... 31
*1.6.6.2. Auditor's responsibilities* ..... 31

**1.7. Reporting changes** ..... 32
*1.7.1. Changes that must be reported* ..... 32
*1.7.2. Applying for name or logo changes* ..... 32
*1.7.3. Change of leader* ..... 33
*1.7.4. Change in auditor or chief agent* ..... 33
*1.7.5. Other changes* ..... 33

**1.8. Becoming registered – nomination of candidates** ..... 33
*1.8.1. Benefits of filing nomination papers early* ..... 34
*1.8.2. One candidate per electoral district* ..... 34
*1.8.3. Materials to prospective candidates* ..... 35
*1.8.4. Nomination process* ..... 35
*1.8.5. Close of nominations* ..... 35
*1.8.6. Eligibility of candidates* ..... 35
*1.8.7. Ineligibility of candidates* ..... 36
*1.8.8. Confirmation or refusal of the candidate's nomination* ..... 36
*1.8.9. Confirmation of registration of the eligible party* ..... 37

**1.9. Withdrawal of application** ..... 37
*1.9.1. Withdrawing the application before registration* ..... 37

**1.10. Mergers of registered parties** ..... 37
*1.10.1. Applying for a merger* ..... 37
*1.10.2. Effective date of merger* ..... 38
*1.10.3 Consequence of a merger* ..... 38
*1.10.4. Financial information to be reported* ..... 39

**1.11. Suspension and deregistration** ..... 39
*1.11.1. Involuntary deregistration (suspension)* ..... 39
*1.11.2. Voluntary deregistration* ..... 40
*1.11.3. Publication of notice of suspension* ..... 41
*1.11.4. Effect of suspension* ..... 41
*1.11.5. Option for suspended party* ..... 41
*1.11.6. Net balance of assets over liabilities* ..... 42
*1.11.7. Re-applying for registration* ..... 42
*1.11.8. Effective date of deregistration* ..... 43

**2. ELECTION FINANCIAL REPORTING** ..... 43

**2.1. Overview** ..... 43

**2.2. Definitions** ..... 43
*2.2.1. Election expense* ..... 43
*2.2.2. Non-monetary contributions* ..... 44
*2.2.3. Commercial value* ..... 44

**2.3. What is an election expense?** ..... 45
*2.3.1. Expenses considered election expenses* ..... 45
*2.3.2. Expenses not considered election expenses* ..... 46

**2.4. Election expense limits** ..... 46

**2.5. Maximum limit** ..... 47

**2.6. Inflation adjustment factor** ..... 47

**2.7. Application** ..... 47
*2.7.1. National office* ..... 48
*2.7.2. Polling* ..... 48
*2.7.3. Canvassing* ..... 48
*2.7.4. Policy research and formulation* ..... 48
*2.7.5. Candidate and party worker self-improvement and training* ..... 49
*2.7.6. Fundraising* ..... 49
*2.7.7. Advertising* ..... 50
*2.7.8. Leader's tour* ..... 50
*2.7.9. Other travel and transportation* ..... 50

**2.8. Campaigning by senators and elected members on behalf of a party** ..... 51

**2.9. Campaigning by exempt staff of ministers, party leaders and party research units** ..... 51

**2.10. Use of capital assets** ..... 51

**2.11. Documentation** ..... 52

**2.12. Petty cash** ..... 52

**2.13. Presentation of claims** ..... 52

**2.14. Deadline for payment of claims** ..... 53

**2.15. Unpaid claims** ..... 53

**2.16. Payment of unpaid claims** ..... 53

**2.17. Election expenses return** ..... 54

**2.18. Auditor** ..... 54
*2.18.1. Responsibility of the auditor* ..... 54
*2.18.2. Auditor's right of access to documents* ..... 55

**2.19. Correction by the Chief Electoral Officer** ..... 55

**2.20. Correction at the request of the Chief Electoral Officer** ..... 55

**2.21. Registered party requesting the authorization for an extension** ..... 56

**2.22. Registered party requesting the authorization for a correction to the election expenses return** ..... 56

**2.23. Reimbursement of election expenses** ..... 56

**2.24. Identification of printed matter** ..... 56

**2.25. Contributions of a registered party to a candidate** ..... 57

**2.26. Incurring election expenses on behalf of a candidate** ..... 57

**2.27. Third party status** ..... 58

**3. OTHER FINANCIAL REPORTING (*to follow*)** ..... 58

**4. ENFORCEMENT** ..... 58

**4.1. Overview** ..... 58

**4.2. Categories of offences** ..... 59

**4.3. Penalties** ..... 59

**APPENDICES**

A. Form - *Application to Register a Political Party* (EC 20225)
B. Excerpt of subsection 2(1) of *Immigration Act* (definition of Canadian citizen)
C. Examples of resolutions

## Introduction

This handbook provides political parties with a general summary of the important information they need to know when applying for registration under the *Canada Elections Act* for the purpose of a federal general election or by-election, and to comply with the Act once registered.

The information found in the handbook is not intended to replace the relevant provisions of the *Canada Elections Act* which set out the complete legal and financial requirements and obligations for the registration of political parties. In all cases requiring interpretation of the law, reference should be made to the *Canada Elections Act*.

*Your opinion counts*

If you have any comments or suggestions that would help us improve the explanations contained in this handbook, we would like to hear from you.

Please send your comments to:


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**Overview**

A political party that wishes to participate in a federal general election or by-election may apply to register with the Chief Electoral Officer. Registration as a political party provides several advantages, like having the party identified on the ballot with the candidates it endorsed, issuing income tax receipts for political contributions, receiving guaranteed paid and free broadcasting time, and receiving a partial reimbursement of its paid election expenses if it qualifies.

The registration process starts when Elections Canada receives the party's application for registration, which must be submitted at least 60 days before a general election is called. The application must include the identity of the party and its officers, chief agent, auditor, agents and 100 electors who are party members. The Chief Electoral Officer ensures the party's name and logo are not confused with other party names and logos. The Chief Electoral Officer also mails a questionnaire to each of the 100 party members. They must confirm that they are party members by return mail.

Registration of the party will occur when the Chief Electoral Officer confirms that the party has nominated at least 50 confirmed candidates in a general election. If a party fails to nominate 50 candidates, the party's name will not appear on the ballot. The party will lose its registered or eligible status, and will be subject to third party election advertising limits (*refer to the Election Handbook for Third Parties, Their Official Agents and Auditors*). The party can re-apply for registration for the next election.

The eligible and registered party must appoint a chief agent, an auditor who is a member of a professional association of accountants (Chartered Accountant (C.A.), Certified General Accountant (C.G.A.), or Certified Management Accountant (C.M.A.)) and registered agents (to assist the chief agent). The party will remain responsible for reporting changes to the party's information appearing in the Registry of Political Parties. The registered party will be subject to strict requirements related to reporting its election contributions (amount, name, and address of contributor). It will be subject to election expenses limits, determined from the number of electors on the preliminary voters lists or the revised list, whichever is greater, in electoral districts where the party endorsed confirmed candidates, and adjusted annually with the inflation adjustment factor. The registered party will be eligible for a reimbursement of its election expenses in the amount of 22.5% of its paid election expenses (when its candidates obtained 5% of the valid votes cast in the electoral district, or 2% of valid votes cast nationally).

The registered party must fulfil several statutory reporting requirements, both resulting from an election and on an annual basis, in order to keep its registered party status. These requirements include filing an audited election expenses return six months after election day (for general elections)**;** filing an annual audited financial transactions return and an audited trust fund report within six months of the end of each fiscal period; reporting any change to the party's registration information in the Registry of Political Parties annually, by June 30th; reporting changes to the party's information in the Registry of Political Parties or filing a declaration confirming or amending the information within ten days of the issue of the writs for a general election; and filing an audited statement of the party's assets and liabilities within six months of

the party's registration. There are also special provisions applicable to registered parties who wish to merge.

A registered party can lose its status either voluntarily by applying to the Chief Electoral Officer or involuntarily by failing to nominate 50 candidates or to comply with its obligations, in which case the Chief Electoral Officer suspends the party. When a party is suspended, many reporting requirements remain which, if breached, may result in the deregistration of the party by the Chief Electoral Officer.

On suspension, the party will have nine months after publication of the notice of suspension to dispose of its assets. If there is a surplus of assets over liabilities, the party will have to pay the Receiver General an amount equal to that surplus, ***unless*** the party was suspended for a failure to endorse 50 confirmed candidates at a general election and it intends to endorse candidates at the next general election. In that case, it can re-apply for registration and declare its intention for the next election. A suspended or deregistered party can re-apply any time for registration.

The party's information in the Registry of Political Parties and its financial information reported will be disclosed to the public by the Chief Electoral Officer as prescribed in the Act. *(See sections 374, 412 and 435(1) of the Act*).

The many requirements applicable to eligible, suspended, or registered parties are subject to enforcement by the Commissioner of Canada Elections, the official responsible for ensuring that the *Canada Elections Act* is complied with and enforced. The failure to comply with any of the party's obligations may result in an offence, either following an inquiry by the Commissioner or a written complaint laid within six months of the commission of the alleged offence. Prosecution will occur within 18 months of the offence, upon the Commissioner's written consent. Penalties will vary according to the circumstances and the nature of the offence, and could include imprisonment, fines, or both. Additional penalties may also apply, such as compensating the victim or being forbidden from being a candidate in a federal election for either five or seven years.

## Key terms and definitions

The following definitions are presented in the order of relevance and grouped as topics.

*Political party*

Generally speaking, a political party is a group of people who share a common political ideology and who establish a constitution together, elect a leader and other officers and, for the purposes of a federal general election or by-election, endorse candidates for election to the House of Commons.

*Application to register a political party (EC 20225)*

An application form is included with this handbook (*see Appendix A*). It is also available from the Elections Canada Web site:

www.elections.ca

There is no charge to register a political party.

*Registry of Political Parties*

The Registry of Political Parties is an official registry of the information maintained by the Chief Electoral Officer on all political parties. It includes the following information:

- the full name of the party
- the short-form name of the party or its abbreviation, if any, that is to be shown in election documents
- the party's logo, if any
- the name and address of the party leader
- the address of the party offices where records are maintained (records office) and to which communications may be addressed (headquarters)
- the names and addresses of the party officers
- the name and address of the party's appointed auditor and the auditor's signed consent to act as such

- the name and address of the party's chief agent and the agent's signed consent to act as such

- the name and address of the party's agents (registered agents, electoral district agents, or both) including the terms and conditions to which the appointment is subject, and

- entries of the party status (eligible, registered, suspended, deregistered)

**[Section 374]**

*Party's full name*

Most political parties have a full name and a short-form name or abbreviation. The full name is the most complete name by which the party is legally recognized as a political entity. *(See "Application requirements".)*

*Party's short-form name or abbreviation*

The short-form name or abbreviation of the party is used on election documents. Once a party is registered, it is the party's short-form name or abbreviation that appears under the candidate's name on the ballot. This short-form name or abbreviation will appear on one line on the ballot. If the English and French versions are provided, it will be typeset to fit on one line (i.e., the longer it is, the smaller the character). *(See"Application requirements".)*

*Logo*

The logo of the party can consist of a letter, symbol, sign, or design which is distinctive to the party. It may include a word or abbreviation of the party name and may also have distinctive colours. *(See "Application requirements".)*

**[Section 366]**

*Party leader*

The party leader is the person who has the highest degree of power and responsibility in a political party, and who is authorized to sign and certify the party's legal documents and documents submitted to the Chief Electoral Officer. *(See "Application requirements".)*

*Chief agent*

The chief agent is the person (or corporation) who has the capacity to enter into legal contracts on behalf of the party and who must be capable of managing the registered party's financial affairs in accordance with the legislation. The chief agent receives all party contributions, incurs and pays party expenditures, and files financial reports with the Chief Electoral Officer. A party can have only one chief agent at a time. *(See "Application requirements" and "Appointments".)*

**[Sections 376, 380]**

*Agents (registered agents)*

In addition to a chief agent, political parties can also have registered agents or electoral district agents. The registered agent acts as the registered party's agent in an electoral district, a province, or nationally. The electoral district agent acts as the registered party's agent in an electoral district. These agents are authorized by the leader or chief agent to receive contributions and to issue official income tax receipts on behalf of the registered party. *(See "Appointments".)*

**[Section 375]**

*Auditor*

The auditor is the person (or corporation) appointed by the party to perform the verification of the party books and records in accordance with the legislation. The auditor is a person or partnership who is a member in good standing of a corporation, an association, or an institute of professional accountants. Party auditors are normally a Chartered Accountant (C.A.), a Certified General Accountant (C.G.A.), or a Certified Management Accountant (C.M.A.). In certain provinces, the practice of public accounting and auditing is controlled by legislation. A party can have only one auditor at a time. *(See "Application requirements" and "Appointments".)*

**[Sections 377, 380]**

*Party officer*

The party officer is a party member authorized by the leader or the agent to act on behalf of the party. Depending on the party's constitution, the following would be examples of party officers: president(s), vice-president(s), treasurer, secretary. *(See "Application requirements".)*

*Election*

Election refers to either a federal general election or a federal by-election called to elect members to serve in the House of Commons.

*Election period*

The election period starts on the day the writs for a general election or a by-election are issued by the Chief Electoral Officer and ends at least 36 days later, on election day.

**[Section 57]**

*Election expense*

An election expense is defined in the Act as any cost incurred (whether paid or unpaid) or non-monetary contribution received by a registered party or a candidate, to the extent that the property or service for which the cost was incurred or the non-monetary contribution received is used to directly promote or oppose a registered party, its leader, or a candidate during an election period. (*See "Election financial reporting".)*

**[Section 407(1),(4)]**

*Electoral district association*

An electoral district association is an association of members of the political party in an electoral district. *(See "Appointments".)*

*Party members for the purpose of the application form*

The *Canada Elections Act* requires that the names, addresses, and signatures of 100 electors who are members of the party be provided. Elections Canada writes to each of these 100 persons, who must send a written confirmation back to Elections Canada confirming that they are party members. *(See "Application requirements".)*

**[Sections 366(2)(*i*), 368]**

*Eligible party*

An eligible party is a political party which has applied for registration and which has been advised by the Chief Electoral Officer that it is eligible for registration (i.e., the party's application requirements have been met). The eligible party will become registered by the Chief

Electoral Officer (a) if its application was made 60 days before the issue of the writs for a general election and (b) once Elections Canada confirms that it has endorsed 50 confirmed candidates at the general election. The process for nominating candidates is explained later in this handbook. An eligible party that fails to register loses its eligibility. (*See also "Third party".*)

**[Sections 368, 370]**

*Registered party*

A registered party is an eligible political party which has been registered by the Chief Electoral Officer in the Registry of Political Parties. An eligible party that becomes registered at a general election is considered to have been registered from the issue of the writs at that election. *(See "Becoming registered – nomination of candidates".)*

**[Section 370(5)]**

*Suspended party*

A suspended party is a registered political party which failed to comply with the requirements of the *Canada Elections Act*. When a suspended party is notified of its suspension, its status in the Registry of Political Parties is changed to "suspended". Suspended parties can be deregistered. *(See also "Deregistration" and "Third party".)*

**[Sections 385, 391]**

*Suspension*

A registered party's status in the Registry of Political Parties will be changed from "registered" to "suspended" when the Chief Electoral Officer notifies the leader of the party of the party's suspension for failure to comply with the requirements set in the *Canada Elections Act*. Notice of the party's suspension will be published in the *Canada Gazette*. A suspended party must comply with the specific requirements for suspended parties. Failure to do so may result in the deregistration of the party. However, nothing prevents a suspended or deregistered party from applying again for registration. *(See also "Suspension and deregistration".)*

**[Sections 385-399]**

*Deregistration*

Deregistration means that a party is struck from the Registry of Political Parties by the Chief Electoral Officer. A registered party can be deregistered voluntarily upon application (except during an election period) or by the Chief Electoral Officer following its suspension.

Deregistration occurs when the Chief Electoral Officer strikes the name of a suspended party from the Registry of Political Parties. This occurs when a registered party voluntarily applies for deregistration or when the Chief Electoral Officer deregisters a party that was suspended for its failure to comply with the requirements of the *Canada Elections Act*. A party that is deregistered can re-apply for registration.

**[Sections 367, 370(4), 388, 390(3), 398]**

*Third party*

A third party is a person (including a corporation) or a group, other than a candidate, a registered party, or an electoral district association of a registered party. It can also be an eligible and a suspended political party.

A group means an unincorporated trade union, trade association, or other group of persons acting together by mutual consent for a common purpose.

A person or group is considered to be a third party when it incurs electoral advertising expenses during an election period to promote or oppose a registered party or the election of a candidate, including by taking a position on an issue with which a registered party or a candidate is associated.

**[Sections 319, 349-362]**

*Nomination paper (EC 20010)*

A nomination paper is a prescribed form signed by persons supporting a candidate and filed with the returning officer in the electoral district so the candidate can seek votes from electors. The nomination paper cannot be filed until the returning officer publishes the Notice of Election. *(See "Becoming registered – nomination of candidates".)*

**[Sections 62, 66]**

*Candidate*

A candidate is a person who has filed a nomination paper with a returning officer in the manner prescribed in the Act and whose nomination as a candidate has been confirmed by the returning officer at an election. For the purpose of the *Canada Elections Act,* that person remains a candidate in respect of that election until he or she and the official agent have complied with all of the financial reporting requirements of the Act. *(See "Becoming registered – nomination of candidates".)*

**[Sections 2 "candidate", 66-75, 313]**

*Returning officer*

A returning officer is the person appointed by the Governor in Council and who is responsible, under the general direction of the Chief Electoral Officer, for the preparation for and conduct of an election in his or her electoral district.

**[Section 24(2)]**

*Official agent*

An official agent is the person appointed by the candidate at an election to administer his or her financial transactions or electoral campaign and for reporting on those transactions in accordance with the legislation. *(See "Becoming registered – nomination of candidates".)*

**[Section 436]**

*Resolution*

A resolution is a formal decision made by the political party in accordance with the party's constitution. The resolution must be certified by the party leader (i.e., a signed declaration), and by another officer of the party as listed in the Registry of Political Parties. *(See "Reporting changes" and Appendix C, "Example of Resolution".)*

*Trust fund*

For the purposes of the *Canada Elections Act*, a trust fund is a fund established by a registered party to be used for an election. *(See section 2, "Election Financial Reporting".)*

**[Section 428]**

# 1. REGISTRATION

## 1.1. Application for registration

### *1.1.1. Overview*

This section of the handbook contains specific information about applying for registration as a political party under the *Canada Elections Act*. It provides information about the legal requirements and procedures for completing the application process; for making various appointments to the party and changes to the application; for registering, deregistering, and withdrawing registration; for meeting the statutory obligations of eligible and registered parties; and for merging registered parties. It also provides information on how to nominate candidates.

The mandatory financial and reporting requirements of registration are to be found in the next sections of the handbook (*see sections 2 and 3*). Failure to comply with these requirements and obligations on the part of political parties constitutes an offence subject to prosecution under the *Canada Elections Act*. More detailed information about these offences and the ensuing penalties are discussed in the enforcement section of the handbook *(see section 4)*.

## 1.2. Benefits of being a registered political party

- Once registered, the party may issue official income tax receipts, which may be used by the contributors to obtain a tax credit.

  **[*Income Tax Act*, Section 127(3)]**

- The short-form name or abbreviation of the party appears on the ballots, under the name of the confirmed candidates endorsed by the party.

  **[Section 117(2)]**

- Candidates endorsed by a registered party may transfer their surplus funds to an electoral district association of the party or to the national party organization, while all other candidates are required to remit any such funds to the Receiver General.

  **[Section 473]**

- The party may qualify for a reimbursement, following a general election and after Elections Canada has received the election expenses return and auditor's report. It is also entitled to a refund of 22.5 percent of its election expenses paid, provided it has received at least 2 percent of the valid votes cast nationally or at least five percent of the valid votes cast in the electoral districts in which it has endorsed a candidate.

  **[Section 435]**

- At a general election, registered parties are allocated an amount of prime time which they can purchase from broadcasters. This allocation is based on each party's results in the previous general election. Eligible parties can also purchase broadcasting time.

Registered and eligible parties are entitled also to an allocation of free broadcasting time. The allocation of free time is based on the allocation of paid time.

**[Sections 335, 345]**

- Registered parties or their candidates can provide the returning officer with names of suitable persons to act as election officers (revising agents, deputy returning officers, poll clerks, registration officers), in districts where the party had candidates who finished first or second in the last election. The returning officer appoints them from the list provided by the party.

**[Sections 33, 34, 39]**

- Registered parties can also obtain from the Chief Electoral Officer, by October 15 in each year, the updated voters lists in districts where they ran candidates in the last election.

**[Section 110]**

- The party name of registered and eligible parties is protected. New parties cannot register names or logos that might be confused with names and logos of existing registered political parties (including a suspended party) and eligible political parties.

- The "registered" status of a party is maintained in the Registry of Political Parties for as long as the party meets the requirements to maintain that status. It does not need to re-apply at each election.

**[Sections 370, 374]**

These benefits are lost if a party fails to maintain its registration as required by the *Canada Elections Act*.

## 1.3. Broadcasting

### *1.3.1. Broadcasting Arbitrator*

The *Canada Elections Act* provides for the appointment of a Broadcasting Arbitrator who is the public official responsible for the administration of those sections of the Act that deal with political broadcasts. The work of the Broadcasting Arbitrator consists in managing the allocation of political broadcasting time pursuant to the *Canada Elections Act* and in resolving disputes among broadcasters, political parties, and candidates. Peter Grant, a lawyer with the McCarthy Tétrault law firm in Toronto, has acted as the Broadcasting Arbitrator for the 1993 and 1997 general elections, and for the 1992 referendum.

**[Section 332]**

### *1.3.2. Allocation to registered political parties of broadcasting time for purchase*

Paid broadcasting time is allocated as a result of either unanimous agreement among registered parties or a decision by the Broadcasting Arbitrator, based on consultations among those parties. The political parties have never had unanimous agreement among them on the time to be allocated to each party.

In making the allocation, the Broadcasting Arbitrator gives equal weight to (a) the percentage of seats in the House of Commons held by each registered party at the previous general election and (b) the percentage of the popular vote of each registered party at the previous general election, and half-weight to (c) the number of candidates endorsed by each of the registered parties as a percentage of all candidates endorsed by all registered parties at the previous general election. A registered party cannot be allocated more than 50 % of the total broadcasting time. The value of paid broadcasting time must be reported as an election expense.

At a general election, every broadcaster has to make available for purchase by the participating registered political parties a total of 6.5 hours, or 390 minutes, on its airwaves, for the transmission of political announcements or other similar programs.

It is the responsibility of each party to produce its own political announcements and other programs. Where a station is part of a network, any time sold on the network counts towards the station's obligation. In applying these rules, one must refer not only to the *Canada Elections Act,* but also to the *Broadcasting Act*, to the regulations made pursuant to the *Broadcasting Act,* and to the conditions attached to the licence of each broadcaster. The value of paid broadcasting time must be reported as an election expense. There is an annual review of allocations of, and entitlements to, broadcasting time for purchase.

**[Sections 332-338, 343]**

### *1.3.3. Availability to eligible and registered political parties of free broadcasting time*

In addition to dealing with allocations of broadcasting time for purchase, the *Canada Elections Act* provides for another category of broadcasting time to be made available to political parties, namely, free broadcasting time.

For a general election, every network operator has to make broadcasting time available at no cost to eligible and registered political parties (that requested an allocation of paid broadcasting time or that indicated they did not want an allocation of such time), for the transmission of their political announcements and similar programs. The minimum amount of broadcasting time that networks must make available to such parties must be no less than the free broadcasting time it made available for such purposes during the previous general election. Each network determines the amount of free broadcasting time it will make available for the political

parties. This time is to be divided among eligible and registered political parties in the following manner:

- Two minutes to every registered or eligible party that indicated to the Broadcasting Arbitrator that it did not want an allocation of paid broadcasting time

- The remainder is to be divided among the registered parties that were allocated paid broadcasting time and among eligible parties that requested an allocation of paid broadcasting time; the division of this remaining time is to be made in the same proportions as the paid broadcasting time allocated to each party

For the purposes of the allocation of free broadcasting time, a network operator is an authorized operator of a network, as defined in the *Broadcasting Act.* It does not include independent radio and television stations not part of such a network. Both the *Canada Elections Act* and the *Broadcasting Act* provisions must be referred to in order to identify which type of network operators are required to provide free broadcasting time to political parties. The value of free broadcasting time is not an election expense.

**[Section 345]**

### *1.3.4. Broadcasting Arbitrator's guidelines*

Before the end of the second day after the day the writs for the general election are issued, the Broadcasting Arbitrator must issue a set of guidelines further to those of the Canadian Radio-Television and Telecommunications Commission (CRTC). These guidelines contain:

- the allocations of broadcasting time to be provided to registered political parties and the allocations of broadcasting time to be provided to eligible political parties

- the procedures through which both registered political parties and eligible political parties may book broadcasting time with broadcasters

- other matters relating to the conduct of broadcasters and network operators under the *Canada Elections Act*

**[Section 346]**

To complement the rules of the Broadcasting Arbitrator, the CRTC issues additional rules to set out the way broadcasters and network operators must act in relation to the general election in question. The CRTC prepares its guidelines before the end of the 4th day after the day the writs for the general election are issued, and forwards both its guidelines and the guidelines prepared by the Broadcasting Arbitrator to all broadcasters and network operators.

**[Sections 346, 347]**

### *1.3.5. Broadcasting restrictions*

#### *1.3.5.1. Blackout period*

No person shall knowingly transmit election advertising to the public in an electoral district on polling day before the close of all of the polling stations in that district. Election advertising is defined in the *Canada Elections Act* as the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered political party or the election of a candidate, including one that takes a position on an issue with which a party or candidate is associated (some exclusions are also provided, such as the transmission to the public of a debate, a speech, an interview, a column, a commentary or news). In the context of broadcasting, this means that political broadcasts or similar programs of political parties that constitute election advertising are prohibited on polling day before the closing of all of the polling stations in the electoral district.

**[Sections 319, 323]**

#### *1.3.5.2. Premature transmission of election results*

On election day, it is an offence for anyone to transmit to the public in one electoral district the results of the vote in a different electoral district. Thus, election results in Newfoundland, for example, must not be posted on the Internet until the polls in British Columbia are closed.

**[Section 329]**

#### *1.3.5.3. Broadcasting public opinion survey results*

There shall be no public transmission in an electoral district on polling day of the results of an election public opinion survey that was not previously made public. In addition, anyone who transmits the results of an election survey to the public must also provide, within 24 hours after these are first transmitted to the public (and including that first transmission), the name of the sponsor of the survey; the name of the person or organization that conducted the survey; the date on which or the period during which the survey was conducted; the population from which the sample of respondents was drawn; the number of people who were contacted to participate in the survey; and, if applicable, the margin of error in respect of the data obtained.

**[Sections 326(1), 328]**

#### *1.3.5.4. Broadcasting from outside Canada*

Finally, it is prohibited to broadcast, from outside Canada, election advertising (that is, a message that either promotes or opposes a registered party or candidate during the election period), with the intent to influence persons to vote or to refrain from voting for a particular candidate.

**[Section 330]**

## 1.4. Obligations of parties

### *1.4.1. Statutory obligations*

Political parties must meet certain obligations in order to maintain their "eligible" or "registered" status.

Eligible parties must:

- provide the Chief Electoral Officer with a report containing the name and address of agents appointed by the party within 30 days of being informed that they are eligible
**[Section 371]**

- advise the Chief Electoral Officer of any change in particulars relating to the party's information in the Registry of Political Parties within 30 days of the changes
**[Section 382]**

- file a statement in writing, signed by the party leader, confirming or updating the information contained in the Registry of Political Parties and, where the leader wishes, designating representatives to endorse election candidates no later than ten days after the issue of the writs for a general election
**[Section 383]**

- the party must provide an audited statement of the party's assets and liabilities and declaration, within six months after becoming registered, and
**[Section 372]**

- file an annual statement with the Chief Electoral Officer, signed by the leader, confirming or amending the party's information in the Registry of Political Parties on or before June 30 of every year
**[Section 384]**

Registered parties must:

- advise the Chief Electoral Officer of any change in particulars relating to the registration application within 30 days of the changes

**[Section 382]**

- file a statement in writing, signed by the party leader, confirming or updating the information contained in the Registry of Political Parties and, where the leader wishes, designating representatives to endorse election candidates, no later than ten days after the issue of the writs for a general election

**[Section 383]**

- file a statement with the Chief Electoral Officer, signed by the leader, confirming or amending the party's information in the Registry of Political Parties on or before June 30 of every year

**[Section 384]**

- provide an audited return on financial transactions and an audited trust fund return within six months after the end of each fiscal period

**[Sections 424, 428]**

- provide an audited return on election expenses within six months after election day for the general election

**[Section 429]**

- provide an audited statement of its assets and liabilities in accordance with generally accepted accounting principles, within six months after its registration

**[Section 372]**

Suspended parties must:

- provide an audited election expenses return within six months after election day of a general election

**[Sections 392, 429]**

- provide an audited return on financial transactions within six months after the publication of the notice of suspension

**[Sections 392, 393]**

- provide an audited statement of the fair market value of assets and liabilities within six months after the publication of the notice of suspension

**[Section 393]**

- within three months after providing the audited statement of fair market value that discloses a net balance of assets over liabilities, the party must remit an amount

equivalent to the net balance to the Chief Electoral Officer who will remit it to the Receiver General

**[Sections 397, 399]**

- provide an audited trust fund report within six months after the publication of the notice of suspension

**[Sections 424, 428]**

- (if suspended pursuant to section 385 and in compliance with the section 394 condition), within six months after the fiscal period to which they relate, provide a statement of the party's expenses from the date of suspension to the end of that fiscal period (and for each subsequent fiscal period)

**[Section 396]**

## 1.5. Application requirements

### *1.5.1. The applicant*

The leader of a political party applies to the Chief Electoral Officer to register the political party. The leader signs and sends the *Application to Register a Political Party* (EC 20225) to the Chief Electoral Officer.

**[Section 366]**

### *1.5.2. Contents of application*

The application must include:

- the full name of the political party
- either the party's short-form name or the abbreviation of the party's name, which will appear on election documents (ballot)
- the party's logo, if any
- the name and address of the party's leader
- the address of the party's offices where records are kept and to which communications may be addressed
- the names and addresses of the party's officers
- the name and address of the party's sole auditor and his or her signed consent to act as auditor

- the name and address of the party's sole chief agent and his or her signed consent to act as chief agent, and

- the names, addresses and signatures of 100 electors who are party members. These persons will be asked by Elections Canada to confirm their membership in writing. The entire application, including the names of the members, is a public document

### *1.5.3. Restrictions on names*

The name (which for the purposes of this handbook includes the full name, short-form name or abbreviation, or logo) of the political party applying for registration must not so resemble the name of a registered party or eligible party as to be confused with it. The party name must not include the word "independent" nor any word resembling it. There is a resemblance between the names when, in the opinion of the Chief Electoral Officer, there is a risk of confusing them, particularly as they appear on the ballot. If there is an intention to have French and English versions of the name, short-form name or abbreviation, or logo, both versions must be submitted with the application.

**[Section 368]**

### *1.5.4. Information on party logo*

The *Canada Elections Act* allows the party logo (if any) to be included with the application for registration. To be included, it must be affixed in the space provided on the application form. If there is an intention to have a colour logo, the colour version must accompany the application. If the logo includes words, the whole logo, including adjacent words, must be submitted next to the symbol. Two printed copies of the logo and its electronic file in a high-resolution format should be submitted (via diskette) at the time of filing the application for registration.

### *1.5.5. Transmitting the application*

Before transmitting the application to the Chief Electoral Officer, the leader should verify that:

- the full name of the party, its short-form name or abbreviation, and logo (if any) are clearly shown on the application

- the declarations from the chief agent and the auditor accepting their appointments have been signed

- the application for registration is signed and dated

- the names and addresses (along with their signature) of the 100 electors who are party members are correct and legible, and

- all information requested has been properly entered

**[Section 366]**

### *1.5.6. Verification of the application by the Chief Electoral Officer*

When the Chief Electoral Officer receives an application, the Registrar of Political Parties sends a confirmation form to the 100 party members listed on the application, asking them to confirm that they are party members and qualified voters, and that they signed the application. The members are asked to fill out the confirmation and mail it back to Elections Canada. Elections Canada strongly recommends that more than the required number of names be provided, since experience shows that not all members who were included with the original application mail the questionnaire back in a timely manner (150 is a reasonable number to ensure that there are 100 confirmations).

**[Section 366(2)(*i*)]**

### *1.5.7. Eligibility for registration*

Once the verification by the Chief Electoral Officer of the party's application for registration is complete (i.e., 100 confirmations received and all other requirements met) and the party has appointed a chief agent and an auditor *(see "Appointments")*, the Chief Electoral Officer will inform the leader of the party whether or not the party is eligible for registration.

**[Section 369]**

### *1.5.8. Loss of eligibility for registration*

Eligibility for registration can be lost if the Chief Electoral Officer is not satisfied that the party has updated the required application information after it became eligible. A party that loses its eligibility, upon being informed by the Chief Electoral Officer, cannot be registered.

**[Sections 369, 370]**

An eligible party can also lose its eligibility for registration where it:

- fails to report the name and addresses of any person appointed as the party's registered agent and any terms and conditions of appointment (this information must be reported within 30 days of the party being notified by the Chief Electoral Officer of its eligibility status)

  **[Section 371]**

- fails to obtain, from the party's chief agent or auditor, their signed consent to act

  **[Section 378]**

- fails to replace without delay the chief agent or auditor when their position becomes vacant or to report the change to the Chief Electoral Officer

  **[Section 379]**

- appoints more than one chief agent or one auditor

**[Section 380]**

- fails to report to the Chief Electoral Officer changes to the application information within 30 days of the change

**[Section 382(1)]**

- fails to attach the required resolution to report of a change of party leader

**[Section 382(3)]**

- fails to report to the Chief Electoral Officer, within ten days of the issue of the writs for a general election, changes to the application information or to file a declaration confirming or amending the information about the party in the Registry of Political Parties, and

**[Section 383(1)]**

- fails to report to the Chief Electoral Officer, on or before June 30, changes to the application information or to file a declaration confirming or amending the information about the party in the Registry of Political Parties

**[Section 384]**

#### *1.5.9. Advertising expenses limit during an election*

A political party that fails to register or that loses its eligibility for registration during an election period and wishes to continue to incur election advertising expenses becomes subject to the election advertising expenses limit applicable to third parties (the maximum amount of election advertising expenses allowed is $150 000 for a general election, but not more than $3 000 per electoral district; the $3 000 limit also applies at a by-election). These limits are then indexed by a factor based on the Consumer Price Index and published annually by the Chief Electoral Officer in the *Canada Gazette*. Such a political party must register as a "third party" with the Chief Electoral Officer after the date it lost its eligibility if it has spent or plans to spend more than $500 on election advertising *(refer to the Election Handbook for Third Parties, Their Official Agents and Auditors).* If the registered or eligible party has exceeded the election advertising expense limits when it becomes suspended or loses its eligibility, it must stop all advertising. Otherwise, the party may face prosecution.

**[Sections 349, 350, 503]**

### 1.6. Appointments

#### *1.6.1. Appointing a chief agent*

The registered or eligible party must appoint an eligible person or corporation as its chief agent. To be eligible for appointment as chief agent, a person must be eligible to vote and must

have the capacity to enter into contracts in his or her province or territory of residence. For a corporation to be eligible, it must have been constituted under federal or provincial law and also must be able to enter into contracts in the area for which it is appointed.

A chief agent is appointed according to a decision reached by the party's internal by-laws. The chief agent must accept the appointment in writing, by signing a declaration to that effect. If a chief agent ceases to hold office for any reason, the party must appoint a new chief agent at once and the leader must notify the Chief Electoral Officer in writing within 30 days of the change. The new chief agent must also accept the appointment in writing.

**[Section 378]**

### *1.6.2. Appointing agents (registered or electoral district agents)*

A registered or eligible party may appoint an eligible person or corporation as its registered agent. The restrictions as to who is eligible to be a registered or electoral district agent are the same as for a chief agent. The party may, subject to any terms and conditions that it specifies, appoint persons or corporations to act as its agents (either registered agents or electoral district agents). A written report must be sent to Elections Canada within 30 days after an appointment is made, certified by the party's leader or the chief agent, that includes the agent's name and address and any terms and conditions of the appointment. The party's registered agents act for the registered party within the terms specified in their appointment. They assist, and answer to, the chief agent. Electoral district agents are registered agents acting for the party in the electoral district. They also answer to the chief agent. They are appointed on the recommendation of the electoral district association of the registered party.

**[Section 375]**

### *1.6.3. Appointing corporations as registered agents*

A corporation incorporated under federal or provincial law is eligible to be a chief agent or a registered agent of a registered party, or a chief agent or an agent of an eligible party. The eligibility requirements are the same as for the chief agent, as stated above.

**[Section 376(1)]**

### *1.6.4. Ineligibility to the position of chief agent or registered agent*

The following persons are **not eligible** to be a chief agent or a registered agent:

- an election officer
- an auditor appointed in accordance with the requirements of the Act

- a person who is not an elector or is not a corporation incorporated under federal or provincial law

- a person who does not have the capacity to enter into contracts in the province or territory in which the person ordinarily resides

**[Section 376]**

### *1.6.5. The chief agent's role*

The chief agent is a party officer who must manage the party's finances in accordance with the *Canada Elections Act*. The chief agent is responsible for filing with the Chief Electoral Officer the various reports and financial documents required under the *Canada Elections Act*.

#### *1.6.5.1. For registered and eligible parties*

These reporting requirements are:

- to report, within ten days of the issue of the writs for a general election, changes to the party's information in the Registry of Political Parties or to file a declaration confirming or amending the information

**[Section 383(1)]**

- to report, by June 30 of each year, changes to the party's information appearing in the Registry of Political Parties or to file a declaration confirming or amending the information. This report must be signed by the leader

**[Section 384]**

- to file, within six months of the date the party became registered, a statement of the party's assets and liabilities together with the chief agent's signed declaration and the auditor's report concerning this statement

**[Section 372]**

- to file for each fiscal period of the registered party, the party's financial transactions return together with the auditor's report and the chief agent's signed declaration concerning those financial transactions and the trust fund return, together with the auditor's report concerning this return

**[Section 424(1)]**

- to file for a general election, within six months of the election day, the party's election expenses return with the auditor's report and the chief agent's declaration concerning this return

**[Section 429]**

#### *1.6.5.2. For suspended parties*

These reporting requirements are:

- to file, within six months of the suspension of the party, the party's financial transactions return and election expenses return as of the date of suspension, together with the party's statement of the fair market value of assets and liabilities with the auditor's report and the chief agent's declaration concerning these statements

  **[Sections 392, 393]**

- to file for the party suspended in accordance with section 385 of the Act and that re-applies for registration and intends to endorse candidates at the next general election, within six months after the end of the fiscal period to which they relate, the statement of the party's expenses for the portion of the current fiscal period starting six months after the party's suspension, and for each subsequent fiscal period, together with the auditor's report and chief agent's declaration concerning this statement. This filing requirement exists for each fiscal period where the party's assets exceed the liabilities

  **[Section 396]**

- a suspended party (by virtue of section 385) must choose between declaring an intent to field candidates in the next election, or paying over to the Chief Electoral Officer an amount equal to any balance of the party's assets over liabilities, within three months of the filing of the party's financial transactions return and statement of the fair market value of assets and liabilities, where the suspended party's assets exceed the liabilities; the party can avoid this requirement by re-applying for registration and by filing the party leader's signed declaration that the suspended party intends to endorse candidates in the next general election

  **[Sections 394, 397, 399]**

#### *1.6.5.3. For merging parties*

- to file for merging registered parties, within six months of the date of a merger, the parties financial transactions returns with the auditor's reports and the chief agent's declarations concerning those returns, for the fiscal period up to the day of the merger (and for any previous fiscal period for which these documents were not filed)

  **[Section 403]**

- to file for the merged registered party, within six months of the date of the merger, the merged party's statement of assets and liabilities as of the date of the merger with the auditor's report and chief agent's declaration concerning that statement

  **[Section 403]**

### *1.6.6. Appointing an auditor*

The registered or eligible party may appoint an eligible person, or partnership of persons, as its auditor, which is a member in good standing of a corporation, association or institute of professional accountants (C.A., C.M.A., C.G.A.). The party appoints its auditor according to its internal by-laws**.** The auditor must sign a declaration accepting the appointment. If an auditor ceases to hold office for any reason, the party must appoint a new auditor at once and the leader must notify the Chief Electoral Officer in writing within 30 days of the change. The new auditor must also accept the appointment in writing.

**[Sections 366, 377(1)]**

#### *1.6.6.1. Ineligibility to the position of auditor*

The following persons **are not eligible** to be an auditor:

- an election officer
- a candidate
- an official agent of a candidate
- a chief agent of a registered party or an eligible party, and
- a registered agent of a registered party

**[Section 377(2)]**

#### *1.6.6.2. Auditor's responsibilities*

The auditor prepares audits and reports on all of the party's financial transactions, including contributions and party expenses and trust fund report. *(See section 3.)*

**[Section 426(1)]**

## 1.7. Reporting Changes

### *1.7.1. Changes that must be reported*

Political parties must report any change to their party information within 30 days of the change:

- the party's full name, short-form name or abbreviation, or logo (together with a resolution of the party authorizing the change is required)
- the name and address of the new party leader (together with a resolution of the party authorizing this change)
- the address of the party's offices where records are maintained (records office) and to which communications may be addressed (headquarters)
- the name and address of the party's new auditor or chief agent (along with acceptance letters)
- change in party officers or agents, and
- any other change to the party information that is in the Registry of Political Parties

**[Section 382]**

### *1.7.2. Applying for name or logo changes*

When the party wants to change its name, short-form name or abbreviation, or logo, the party leader must apply to the Chief Electoral Officer, and attach a certified copy of the party's resolution to make the change. For the purposes of the *Canada Elections Act*, the resolution can be made by whomever and through whatever means the party's constitution allows. The certification by the leader of a copy of the resolution may be on a separate sheet of paper (to which copy of the resolution is attached) or written directly onto the copy of the resolution. *(See Appendix C.)*

A party considering a name or logo change should first consult with Elections Canada to obtain the full lists of eligible and registered political parties. This information is also available on the Elections Canada Web site at www.elections.ca.

In order to be accepted by the Chief Electoral Officer, a proposed change of name (which for the purposes here means its full name, short-form name or abbreviation, or logo of a registered party or an eligible party) must not include the word "independent", nor any word that so closely resembles the name of another federal political party that, in the opinion of the Chief Electoral Officer, the names are likely to be confused with one another.

These changes take effect on the date the application was received by the Chief Electoral Officer, except during an election, in which case the changes will be effective on the day after election day.

**[Sections 368, 382]**

#### *1.7.3. Change of leader*

The report of a change of leader must include a copy of the party's resolution *(see Appendix C)* to appoint the new leader, which must be certified by both the new leader and by another party officer as listed in the Registry of Political Parties. This certification may be on a separate document, to which the copy of the resolution is attached, or it may be written directly onto the copy of the resolution itself. The resolution to change the party leader may be made by whomever and by whatever process the party's constitution allows.

**[Section 382(3)]**

#### *1.7.4. Change in auditor or chief agent*

If an auditor or chief agent auditor ceases to hold office for any reason, the party must appoint a new auditor or a chief agent at once and the leader must advise the Chief Electoral Officer in writing, within 30 days of the change, and provide the new chief agent or auditor's signed consent to act.

**[Section 382(4)]**

#### *1.7.5. Other changes*

Any other change to the information maintained in the Registry of Political Parties must be reported by the leader by sending a signed report to this effect within 30 days of the change.

**[Sections 374, 382(1)]**

### 1.8. Becoming registered – nomination of candidates

An eligible party becomes registered when it endorses at least 50 confirmed candidates in a general election, as long as it applied for registration at least 60 days prior to the issue of the writs for the general election. Confirmation of the party's registration is made by the Chief Electoral Officer as soon as practicable after the candidates' nominations are confirmed by the returning officers (which occurs at the latest 48 hours after the close of nominations).

**[Section 370]**

### *1.8.1. Benefits of filing nominations papers early*

There are a number of advantages to filing nomination papers early.

- During the verification process, if there is a problem with the nomination documents, a candidate can correct the nomination documents or replace them until 2:00 p.m. on Day 21. If the candidate files at the last minute, there is no opportunity to make any corrections if the above deadline has passed.

- Candidates receive access to the preliminary voters lists as soon as their nomination is confirmed by the returning officer.

- Official agents can issue tax receipts for contributions received in the period starting with the day on which the candidate is officially nominated.

**[*Revenue Canada Information Circular 75-2R4,* p. 2, section 7]**

- By nominating 50 candidates early, the party can be assured that it will be a registered party and subject to political party expense limits (and reimbursements) rather than being subject to the lower "third party" limits. (Of course, early confirmation of 50 candidates is only reliable if candidates do not withdraw before Day 21 and reduce the number to below 50.) This ensures that the party's election advertising plans will not be disrupted.

### *1.8.2. One candidate per electoral district*

A registered party or an eligible party may endorse only one prospective candidate in each electoral district for a given election.

**[Section 68]**

Only one party's name can appear on the ballot as endorsing a candidate. The *Canada Elections Act* does not expressly address the question of whether more than one party can endorse a single candidate and have the party names appear on the ballot. However, in a letter to the Chair of the House of Commons Standing Committee on Procedure and House Affairs, dated November 26, 1999, the Chief Electoral Officer explained his interpretation of the Act that leads to the former conclusion. In summary, there are too many provisions of the Act that require that the votes for one candidate be associated with one party for it to be possible that two parties can officially endorse the same candidate. For example, reimbursement of political parties' campaign expenses, allocation of broadcasting time, and nomination of various election officers all depend on assigning the votes for a candidate to one party that has endorsed that candidate.

### *1.8.3. Materials to prospective candidates*

Prospective candidates or their representatives can obtain, upon request to the returning officer in their electoral district, copies of the nomination paper, prior to the issue of the writ for an election. However, the nomination paper cannot be filed until the writ has been issued and the Notice of Election has been published by the returning officer. The nomination paper can be replaced or corrected as often as needed until 2:00 p.m. of the closing day for nominations. After that, and only until 5:00 p.m. on the closing day for nominations, only minor corrections to the nomination paper (candidate's name, address or occupation) will be accepted by the returning officer. A candidate may withdraw any time before 5:00 p.m. on that day.

**[Sections 70, 71(3), 75]**

### *1.8.4. Nomination process*

The following documents must be filed by candidates with the returning officer before the close of nominations (at 2:00 p.m. on Day 21):

1. A completed nomination paper;
2. A deposit of $1 000;
3. A letter from the auditor consenting to act as auditor for the candidate;
4. If applicable, a letter signed by the party leader or, at a general election only, by a representative of the leader, confirming the candidate is endorsed by the party

**[Section 67(4)]**

The nomination paper, the letter of endorsement (if any), and the auditor's acceptance letter can be sent by fax (not e-mail). The deposit must be sent to the returning officer through other means. All originals must be received by the returning officer within 48 hours of the close of nominations (by 2:00 p.m. on Day 19).

### *1.8.5. Close of nominations*

The close of nominations is at 2:00 p.m. on Monday, the 21st day before election day in all ridings.

**[Section 69]**

### *1.8.6. Eligibility of candidates*

Any person may be a candidate at an election if he is qualified as an elector (a Canadian citizen of at least 18 years of age at the time the person's nomination paper is filed) and is not a person who is otherwise ineligible to be a candidate. To be a candidate, a person need not be ordinarily resident in the electoral district in which he or she seeks election, nor be on any list of electors.

**[Sections 3, 4, 65]**

### *1.8.7. Ineligibility of candidates*

Certain persons are not eligible to be candidates. These are set out fully in the Act, and may be briefly stated as follows:

- persons who are not qualified to vote on the date on which the nomination paper is filed
- persons found guilty of a corrupt practice at an election are ineligible for seven years
- persons found guilty of an illegal practice at an election are ineligible for five years
- candidates from previous elections if they did not fulfill the requirements of the Act relating to election expenses, if the time and any extension for providing the documents have expired
- members of the legislature of any province or of the Councils of the Northwest Territories or Yukon Territory, or members of the Legislative Assembly of Nunavut
- sheriffs, clerks of the peace, county Crown Attorneys in any of the provinces or territories, and judges appointed by the Governor in Council
- persons imprisoned in a correctional institution, and
- election officers

**[Section 65]**

### *1.8.8. Confirmation or refusal of the candidate's nomination*

The returning officer will verify the information in the nomination paper in the 48 hours following its receipt and will notify the candidate in writing, at the end of that period, whether the nomination is confirmed or refused.

The returning officer will conduct a detailed verification of the information in the nomination paper. This process includes the verification whether the 100 persons who signed the nomination paper as electors nominating the candidate are indeed qualified electors in that electoral district.

**[Section 71]**

#### *1.8.9. Confirmation of registration of the eligible party*

An eligible party becomes registered if it has candidates whose nomination has been confirmed in 50 electoral districts for a general election, if the application for registration was made 60 days before the issue of the writs. Confirmation of registration will be given in writing by the Chief Electoral Officer to the party leader. Registration is effective from the issue of the writs for that election.

**[Section 370]**

### 1.9. Withdrawal of Application

#### *1.9.1. Withdrawing the application before registration*

An eligible party may withdraw its application any time before registration, by sending a request to withdraw to the Chief Electoral Officer. The withdrawal of the application must be signed by the leader.

**[Section 367]**

The eligible party that loses its eligibility (for example, by failing to nominate 50 candidates) or that withdraws its application before the close of nominations and that wishes to continue election advertising during the election period, is required to register as a third party if it has spent or plans to spend $500 on election advertising, and is subject to election advertising expense limits applicable to third parties. *(See "Application requirements".)*

**[Sections 349, 503]**

### 1.10. Mergers of Registered Parties

#### *1.10.1. Applying for a merger*

Two or more registered parties may, at any time other than during the period beginning 30 days before the issue of a writ for an election and ending on election day, apply to become a single registered party resulting from a merger. The application must include:

- certification of the application by each of the leaders of the merging parties
- a resolution from each of the merging parties approving the proposed merger, and
- the information required in an application for registration (section 366), except that it is not necessary to submit the names, addresses and signatures of the 100 electors who are party members

**[Section 400]**

### *1.10.2. Effective date of merger*

If the Chief Electoral Officer is satisfied that the merged party is eligible for registration as a political party under the Act (section 368), and that the merging parties have reported their financial transactions and their election expenses, and observed all other requirements of the Act, the Chief Electoral Officer can amend the Registry of Political Parties by replacing the names of the merging parties with the name of the merged party. A merger of registered parties takes effect 30 days after the application was received. If a by-election or general election is called during that period, the Chief Electoral Officer may not amend the Registry of Political Parties before election day.

**[Sections 401(1), 402]**

In addition, the Chief Electoral Officer will notify the merging parties in writing and will publish a notice in the *Canada Gazette* that the names of the merging parties have been replaced in the Registry of Political Parties with the name of the merged party.

**[Section 401(2), (3)]**

### *1.10.3. Consequence of a merger*

The consequences of a merger of two or more registered parties are the following:

- the merged party is the successor of each merging party (the merging parties cease to exist and no longer appear as parties in the Registry of Political Parties from the date of merger)
- the merged party becomes a registered party
- the assets of each merging party belong to the merged party
- the merged party is responsible for the liabilities of each merging party
- the merged party is responsible for the obligations of each merging party to report on its financial transactions and election expenses for any period before the merger took effect
- the merged party replaces each merging party in any legal proceedings, whether civil, penal or administrative, by or against a merging party, and
- any decision of a judicial or quasi-judicial nature involving a merging party may be enforced by or against the merged party

**[Section 402(2)]**

#### *1.10.4. Financial information to be reported*

Within six months after a merger, each of the merging parties must provide the Chief Electoral Officer with:

- the party's financial transactions return with the auditor's report and chief agent's declaration concerning that return for the portion of its current fiscal period that ends on the day before the day the merger takes effect, and any earlier fiscal period for which those documents have not been provided

**[Sections 403, 424(1)]**

Within six months after a merger, the merged party must also provide the Chief Electoral Officer with:

- a statement of its assets and liabilities, including any surplus or deficit, at the date of the merger, with the auditor's report and chief agent's declaration concerning that statement

**[Section 403]**

### 1.11. Suspension and deregistration

#### *1.11.1. Involuntary deregistration (suspension)*

The Chief Electoral Officer will automatically suspend the registration of a registered political party if it does not have 50 candidates whose nominations have been confirmed on the 19th day before election day.

**[Section 385]**

The Chief Electoral Officer may suspend the registration of a registered party if it fails to:

- file statements confirming or amending the information in the Registry of Political Parties within ten days after the writs are issued

**[Section 383(1)]**

- report on or before June 30 each year confirming or amending the party's information in the Registry of Political Parties

**[Section 384]**

- report changes to the party's information in the Registry of Political Parties within 30 days of those changes:
    - a change to the party's name, short-form name or abbreviation, or logo

- a replacement of the leader of the party
- any other change

**[Section 382]**

- report a replacement of the chief agent or auditor of the party within 30 days of their replacement

**[Sections 378, 379, 382]**

- report a change of registered agents of the party within 30 days of the change

**[Section 375]**

- file, within six months of its registration, an audited statement of its assets and liabilities

**[Section 372]**

- file for each fiscal period, the party's audited financial transactions return or audited trust fund report

**[Section 424(1)]**

- file, within six months after election day, the party's audited general election expenses return

**[Sections 386, 387]**

Also, when the Chief Electoral Officer believes that a party has contravened any provision of the *Canada Elections Act*, he will notify the party in writing (by notice sent to all officials in the Registry of Political Parties) that it must, within specified time-frames, provide him with the requested information.

When a party fails to rectify the omission or does not convince the Chief Electoral Officer that the infraction was not the result of any negligence or lack of good faith on its behalf within the time period referred to in the notice, the Chief Electoral Officer may suspend the party's registration.

**[Section 389(3)]**

#### *1.11.2. Voluntary deregistration*

A registered political party may, at any time other than during a general election, voluntarily apply to become deregistered. For the application to deregister to be accepted by the Chief Electoral Officer, the party must file the election expenses return for each general election held since the party registration came into effect, and the application to deregister must be signed by the party leader and any two party officers who are listed in the Registry of Political Parties.

On voluntary deregistration, the party remains responsible under the *Canada Elections Act* for filing the fiscal period return of receipts and expenses and the auditor's report that apply to:

- any fiscal period ending prior to the party's deregistration
- the fiscal period in which the party was deregistered
- for any other fiscal period for which the party has not filed a return

**[Sections 367, 388]**

#### *1.11.3. Publication of notice of suspension*

If a registered party is suspended, the Chief Electoral Officer will publish a notice of suspension in the *Canada Gazette* and send copies to all party officers.

**[Section 390]**

#### *1.11.4. Effect of suspension*

The Chief Electoral Officer will change, in the Registry of Political Parties, the status of the party from "registered" to "suspended". The suspended party loses all the advantages of a registered party as of the date the notice of suspension is published.

**[Sections 390, 391]**

#### *1.11.5. Option for suspended party*

A registered party that is suspended by the Chief Electoral Officer for failure to endorse candidates in 50 electoral districts in a general election (pursuant to section 385) can choose to re-apply to become an eligible party:

- if there is a surplus of assets over liabilities, the leader of the party may chose, instead of remitting the net balance over to the Chief Electoral Officer, to re-apply (pursuant to section 366) for the registration of the party. In that case, the leader must include in the application for registration a signed declaration stating that the suspended party intends to endorse candidates in the next general election. The leader must re-apply for the suspended party registration within six months of the publication of the notice of suspension

**[Section 394]**

- if there is no surplus of assets over liabilities, the Chief Electoral Officer will deregister the suspended party upon receipt of the audited statement of assets and liabilities (pursuant to section 392)

**[Sections 392, 397, 398]**

### *1.11.6. Net balance of assets over liabilities*

Within three months of the expiry date for filing the fiscal return, any election expenses return and the statement of fair market value of the party's assets and liabilities, the chief agent of a suspended party, must remit an amount equivalent to any remaining net balance of assets over liabilities to the Chief Electoral Officer, who will send it to the Receiver General. The Chief Electoral Officer must be informed in writing when there is no balance.

**[Section 397]**

### *1.11.7. Re-applying for registration*

The suspended party that re-applied for registration (pursuant to section 394) and that endorsed at least some but less than 50 candidates in the next general election must still file an audited statement of the party's expenses for the period from the date of suspension to the end of the fiscal period (which is the calendar year) and for each following fiscal period. This return must be filed within six months after the end of the fiscal period to which it relates.

The requirement to file this annual return stops when there is no longer a surplus of assets over liabilities for that suspended party.

**[Section 396]**

The suspended party that re-applied for registration (pursuant to section 394) and that failed to endorse candidates in the next general election, or that failed to file annually its audited statement of the party's expenses, or that no longer has a surplus of assets over liabilities, will be deregistered by the Chief Electoral Officer.

**[Section 398]**

The suspended party that re-applied for registration (pursuant to section 394) and that failed to endorse candidates in the next general election and that still has a net balance of assets over liabilities will have to pay to the Chief Electoral Officer, who will send it to the Receiver General, an amount equivalent to the net balance of assets, **if**:

- the party has failed to file, within six months after the fiscal period to which it relates, its audited statement of the party's expenses following its suspension, or if
- the party has withdrawn its application for registration

**[Sections 398, 399]**

These suspended parties must remit the amount equivalent to the net balance of their assets to the Chief Electoral Officer within three months of providing their last audited statement of the party's expenses.

**[Section 399(4)]**

#### *1.11.8. Effective date of deregistration*

The party's deregistration from the Registry of Political Parties is effective on the day that the Chief Electoral Officer receives the amount equivalent to the net balance of assets, or receives the notice that there is no surplus of assets.

**[Section 398]**

A deregistered party can re-apply for registration at any time.

## 2. ELECTION FINANCIAL REPORTING

### 2.1. Overview

This section of the handbook contains general information about election expenses and financial reporting requirements of registered parties for an election.

It is important to note that the chief agent of a registered party is responsible for administering its financial transactions and reporting on them, in accordance with the *Canada Elections Act*.

No person or entity, other than the chief agent of a registered party or one of its registered agents or a person authorized can incur or pay the registered party's expenses.

Other financial information and reporting requirements for registered parties are contained in section 3 *(to follow)*.

### 2.2. Definitions

#### *2.2.1. Election expense*

An election expense is defined in the Act as: any cost incurred (whether paid or unpaid) or non-monetary contribution received by a registered party or a candidate, to the extent that the property or service for which the cost was incurred, or the non-monetary contribution received, is used to directly promote or oppose a registered party, its leader or a candidate during an election period.

**[Section 407(1)]**

### *2.2.2. Non-monetary contributions*

A non-monetary contribution is the commercial value of a service, other than volunteer labour, or of property or the use of property or money to the extent that they are provided without charge or at less than their commercial value.

Non-monetary contributions received by a registered party, to the extent that the property or service is used to directly promote or oppose a registered party, its leader or a candidate during an election period, are also election expenses.

When a chief agent or registered agent receives a non-monetary contribution from a donor, he or she must obtain complete documentation as to the commercial value of the goods or services donated, the name, address and class of the donor, so that it may be, subject to its commercial value, reported in the registered party's election expenses return as an expense and in the Registered Party's Fiscal Report as a contribution.

If the chief agent or the registered agent cannot determine to which class the contributor belongs or does not know the name or the address of the contributor or the name of the chief executive officer or the president of a numbered company is not known (if the amount is more than $200), he or she must pay to the Chief Electoral Officer an amount of money equal to the value of the contribution received by the registered party.

**[Section 425]**

### *2.2.3. Commercial value*

Goods and services must be recorded at commercial value. The commercial value is the normal price paid by anyone for a good or service in an open and competitive market. Thus, when discounts not available to other registered parties are granted, the full commercial value, including all appropriate taxes, must be disclosed and the amount of the discount must be recorded as a contribution. These discounts are those other than normal trade discounts.

Goods or services provided without charge by someone who normally provides them, to the extent that the property or service is used to directly promote or oppose a registered party, its leader or a candidate during an election period, must be recorded as an election expense as well as a contribution at full commercial value.

For example, when a printer provides a pamphlet to a registered party at no charge or an office equipment supplier loans a computer at no charge, the full commercial value must be recorded both as a contribution and as an election expense.

When a supplier normally provides the same type of goods or services on a commercial basis, the lowest amount charged to another customer for the same type or quantity of goods or services, including all appropriate taxes, is the commercial value to be used.

If the goods or services are provided free of charge by someone who is not in the business of providing them, to the extent that the property or service is used to directly promote or oppose a registered party, its leader or a candidate during an election period, the commercial value must be recorded as an election expense and a contribution if the value of the non-monetary contribution exceeds $200.

The commercial value of goods or services with a value of $200 or less provided free of charge by a person who does not normally supply such goods or services is deemed to be nil; therefore, no contribution would result.

For example, if a homeowner who is not a contractor supplies construction material worth $175 left over from the renovation of a home, the goods would not be considered an election expense.

## 2.3. What is an election expense?

The definition of election expenses requires that an expense be "for the purpose of promoting or opposing, directly and during an election, a particular registered party, its leader or a candidate during an election".

Readily ascertained matters such as the time of incurring an expense or the use of particular campaign materials are useful factors in determining whether a particular expense falls within the statutory definition. Such factors will be important indicators of purpose. The test relates to the use of the product of the election expense, regardless of the time at which the expense was actually incurred. It follows that, whether the expense is incurred prior to or during an election, if the product of the expense is used during the election, it will be considered an election expense. The purpose and effect of each cost must be examined to determine whether it is incurred as an integral part of an activity or endeavour which cost is within the definition of an election expense.

In certain cases, the product of an expense may be used for more than one purpose. Literature promoting a particular registered party may be printed and distributed outside the election period. However, if the same material is used during the election, then the cost of the number of literature items distributed during the election becomes an election expense.

### *2.3.1. Expenses considered election expenses*

Election expenses include a cost incurred for, or a non-monetary contribution related to:

- the production of advertising or promotional material and its distribution in any media or by any other means, even if incurred before the election if the advertisement is used during the election campaign

- the payment of remuneration and expenses to, or on behalf of, a person for their services as chief agent, registered agent or in any other capacity

- securing a meeting space or the supply of light refreshments at meetings, and

- any product or service provided by a government, a Crown corporation or any other public agency. (Note that election advertising using a means of transmission of the Government of Canada is prohibited.)

**[Section 407(3)]**

#### *2.3.2. Expenses not considered election expenses*

For example, election expenses would not include the following:

- expenses for a fundraising activity (except those expenses incurred for the production of advertising or promotional material and its distribution in any media or by any other means)

**[Section 407(2)]**

- developing the party's policies or programs

- developing the party's strategies

- carrying out research, polling and analysis

- training the party's candidates and workers

- normal administrative costs of maintaining the party as an ongoing entity

- all other internal costs not incurred as an integral part of endeavours furthering the external exposure of the party

### 2.4. Election expense limits

The Act imposes a limit on the election expenses a registered party may incur. This limit is based on the number of names appearing on the preliminary voters lists or on the revised voters lists (whichever is the greater) in those electoral districts where the party has endorsed an official candidate. In addition, the Act provides for the indexing of these limits by applying an adjustment factor published annually in the *Canada Gazette.* These limits will be provided to the registered party's chief agent on Day 31 and Day 7 before election day.

**[Sections 414, 422]**

### 2.5. Maximum limit

The maximum amount allowable for the election expenses of a registered party is the product of the two following amounts:

- $0.62 multiplied by the number of names on the preliminary voters lists for electoral districts in which the registered party has endorsed a candidate or $0.62 multiplied by the number of names on the revised voters lists for those electoral districts, whichever amount is greater

- the inflation adjustment factor that is in effect on the date of the issue of the writs for the election

**[Section 422]**

### 2.6. Inflation adjustment factor

It is an amount in effect for a period of one year beginning on April 1 of each year. It is a fraction with:

- a numerator that is the annual average Consumer Price Index published by Statistics Canada under the authority of the *Statistics Act* for the calendar year immediately before April 1, calculated on the basis of 1992 being equal to 100, and

- a denominator that is 108.6 (the annual Consumer Price Index for 1998, calculated on the basis of 1992 being equal to 100)

**[Section 414]**

### 2.7. Application

A review of some categories of expenses will illustrate the approach the Chief Electoral Officer will take in analysing expenditures, and may be of assistance in considering variations of these categories as they arise in the future.

Many of the categories examined below will admit of much more complex combinations and variations than can be dealt with here. Moreover, this examination is limited to those costs incurred for the purpose of directly promoting a particular registered party, its leader, or a candidate during an election. A similar examination may be made with regard to costs incurred for the purpose of directly opposing a particular registered party, its leader, or a candidate during an election.

### *2.7.1. National office*

The costs incurred by the national office should be divided in accordance with the basic activities carried on by that office. The purpose of each activity must be considered to determine whether the costs incurred to carry on the activity are election expenses. Needless to say, certain activities will not fall neatly within or outside the meaning of election expenses, and an allocation of the costs involved will have to be made. The election expenses return provides for the reporting of these allocated costs. The return requires that the method of calculation be detailed and that the external auditor of the registered party provide an opinion as to the reasonableness of the allocation.

The method of allocation, with respect to salaries of staff members or facilities, can be based on any breakdown that will result in a fair allocation of costs. An allocation can be made with respect to each component of costs, whether they be for salary, equipment, supplies, materials, printing facilities or computer facilities. The Office of the Chief Electoral Officer will accept the basis of allocation used by the party provided that it is reasonable, in the Chief Electoral Officer's opinion, and provided that the party's auditor agrees that the allocation is reasonable and in keeping with these guidelines.

### *2.7.2. Polling*

The cost of collecting and analysing survey information is not an election expense, as the activity does not result in the direct promotion of a registered party, its leader, or candidates, and therefore does not directly support the primary objectives of the party. As an example, costs incurred to conduct a survey, which could include such things as the cost of hiring a firm to carry out the survey, the salary cost for national party workers to receive, compile, and analyse survey results, and the computer costs involved in the analysis of survey trends, do not constitute election expenses.

### *2.7.3. Canvassing*

Canvassing voters must be distinguished from polling. Canvassing is not carried out merely to determine voter opinions, but also to seek out and gain support for the registered party or its leader, candidates, members, policies, and programs. The cost of such activity comes within the definition of election expenses and should therefore be recorded as such by the party. As an example, any costs to the party incurred by campaign workers going door-to-door canvassing voters (such as salaries, transportation, meals and lodging, and the cost of material, pamphlets, etc. handed out during this canvassing) are election expenses of the party.

### *2.7.4. Policy research and formulation*

The formulation of policy is essential to the functioning of a political party. Notwithstanding the importance of this process, the cost of policy research and formulation is not an election expense, as the promotion of the registered party, its leader, or a candidate does not directly result

from these activities. The expenses associated with policy research and formulation might include such things as:

- salaries for national office employees whose primary function is research and policy formulation
- costs of policy conventions
- costs of operating policy committees
- costs of research projects undertaken for the general purpose of assisting in policy formulation

#### *2.7.5. Candidate and party worker self-improvement and training*

It is the practice of parties to conduct organized training programs for candidates, chief agents and other campaign workers. Costs related to these training activities would include such things as transportation, meals and lodging for those attending, and the cost of preparing and printing manuals and other training aids used during the presentation. Although this activity may put the party in a better position to promote itself, its leader, and candidates, the activity does not result in the direct promotion of the party. Therefore such costs are not election expenses.

#### *2.7.6. Fundraising*

Fundraising is an activity held for the primary purpose of soliciting a monetary contribution for a registered party by way of selling a ticket. The proceeds, that is, the difference between the price of the ticket and the fair market value of what the ticket entitles the bearer to obtain from a fundraising function, constitute a contribution to the registered party's election campaign.

The chief agent must authorize all fundraising functions.

The expenses incurred in holding a fundraising function, other than promotional material, are not election expenses, provided that a fixed charge is made for admission and that the charge exceeds the proportional fair market value of the function. The net proceeds of such a function, however, are revenue of the campaign and must be reported.

Official receipts may be issued for the contribution portion of the admission price. This amount must be considered a contribution made by the contributor named on the receipt. This must be reported under the appropriate class of contributor and, for any amount in excess of $200, the names of persons or organizations, their addresses and the amount of the contribution must be disclosed. In the case of a contribution by a numbered company, the chief agent must also obtain the name of the chief executive officer or president of that company.

For example, if the chief agent organizes a dinner with a fair market value of $45 per attendee, and charges $250 for admission to the function, an official receipt for $205 may be issued to each person purchasing a ticket. The chief agent must record in the Registered Party Fiscal Return the name, address, class and the amount of $205 as a contribution for each person or organization purchasing a ticket. In the case of a contribution by a numbered company, the chief agent must also obtain the name of the chief executive officer or president of that company.

Where an activity combines fundraising and promotion or opposition of a registered party or a candidate, that portion of the cost of the activity which directly promotes or opposes during an election must be reported as an election expense.

**[Section 407(2)]**

### *2.7.7. Advertising*

The cost of acquiring broadcasting time or space in a periodical publication is specifically referred to in the statutory definition of "election expenses". In addition, all other forms of advertising would, by their very nature, result in a form of public proclamation and thus a public exposure of the party, its leader, its candidates, etc. Such costs are clearly within the definition of election expenses.

### *2.7.8. Leader's tour*

These tours give national exposure to the leaders, and are generally well-publicized by the media, members of which travel with the leaders, usually on a cost-sharing basis. The importance of the leader's tour is reflected in the significant cost associated with it.

The leader's tour is an election expense within the meaning of the Act, as these expenses are incurred for the purpose of improving the public image or acceptance of the party. In addition to the direct transportation costs of leasing an aircraft, buses, etc., the party must include all other related costs for such things as meals, refreshments, salaries of party staff assigned to the tour, communications equipment rented for the media, and baggage handling charges.

### *2.7.9 Other travel and transportation*

Parties may incur expenses with respect to travel and transportation for a variety of purposes. Such expenses cannot therefore be said to fall into the category of election expenses under the Act unless they are incurred in relation to an activity to improve the public image or acceptance of the party or its leader, members, policies, or programs.

Subject to the definition of commercial value, in calculating these costs, incidental expenses of both paid and volunteer workers for such things as meals, lodging and transportation are considered election expenses and should therefore be reported as such.

### 2.8. Campaigning by senators and elected members on behalf of a party

Where a senator or a person who is or was during the last session an elected member of the House of Commons or any provincial legislature campaigns on behalf of a party, the expenses related to that person's involvement in the campaign are election expenses of the party.

For example, if a minister or other member of Parliament travels on behalf of the party, the cost of travelling and accommodation are election expenses of the party. Also, if the minister's trip is carried out in conjunction with an official government function using government-paid transportation, a proportionate share of the transportation, accommodation and any other expenses must be allocated to the party as an election expense and also recorded as a contribution from the Government of Canada. The allocation must be based on the proportion of time spent by the minister on each activity.

The Office of the Chief Electoral Officer will accept the basis of allocation used by the party provided that it is reasonable, in the Chief Electoral Officer's opinion, and provided that the party's external auditor agrees that the allocation is reasonable and in keeping with these guidelines.

### 2.9. Campaigning by exempt staff of ministers, party leaders and party research units

Where exempt staff of a minister or party leader or party research staff are engaged in promoting the party during an election, the costs related to their involvement in the campaign during normal working hours are election expenses.

For example, if a member of the minister's exempt staff engages in election campaign work for the party during normal working hours, a proportionate share of that person's salary and benefits, together with any direct costs, such as travel and living expenses, must be included as election expenses of the party.

However, exempt staff of ministers must check the rules governing their political activities.

The Office of the Chief Electoral Officer will accept the basis of allocation used by the party provided that it is reasonable, in the Chief Electoral Officer's opinion, and provided that the party's external auditor agrees that the allocation is reasonable and in keeping with these guidelines.

### 2.10. Use of capital assets

Parties may purchase certain capital assets to be used during an election; however, determining the amount to be recorded as an election expense for the use of these assets often raises some questions.

The party must assess the value of the use of a capital asset purchased for the election at the current commercial value. The commercial value to be used is the cost of rental of a similar asset for the period of the election, which cost must be recorded as an election expense. If the asset is

provided free of charge or at a nominal charge, this will also constitute a non-monetary contribution, and the same rules apply as for other types of contributions.

In addition to the above, parties using any other furniture or capital equipment for campaign purposes shall allocate a portion of the costs of such equipment as election expenses.

### 2.11. Documentation

Where an electoral campaign expense of $50 or more is incurred on behalf of the registered party and paid by the chief agent, a registered agent, or by a person authorized in writing, the chief agent must keep a copy of the invoice prepared by the person who provided the goods or services to which the expense relates together with proof that it was paid.

Where an electoral campaign expense of less than $50 is incurred on behalf of the registered party by the chief agent or a person authorized in writing by the chief agent, the person who made the payment must keep a record of the nature of the expense together with proof that is was paid.

**[Section 410]**

### 2.12. Petty cash

Payments from petty cash funds may be made by a person authorized by a registered agent of a registered party. The written authorization must specify a maximum amount for the total of the expense that the person is authorized to pay.

**[Section 411]**

### 2.13. Presentation of claims

A person that has a claim to be paid for an expense of a registered party in relation to an electoral campaign must send, within three months after the expense was incurred, the invoice or other document evidencing the claim to the registered party or one of it registered agents.

**[Section 417(1)]**

A claimant is barred from recovery of a claim to be paid if the invoice or other document evidencing the claim is sent more than three months after the expenses were incurred, unless the claimant applies for, and is granted an authorization of, the Chief Electoral Officer for the late submission.

**[Section 417(2)]**

If the authorization is refused, or its conditions cannot be met, an application may be made to a judge to authorize the payment of a claim by a registered agent.

Any registered agent who pays a late invoice without an authorization is in contravention of the Act.

If a claimant dies before the end of the three-month period, without submitting the invoice or other document evidencing the claim, a new three-month period begins on the day on which the claimant's legal representative becomes entitled to act for the claimant.

**[Section 417(3)]**

### 2.14. Deadline for payment of claims

All claims for expenses which have been sent within three months after the expense was incurred must be paid within six months after payment of it is due.

**[Section 418]**

### 2.15. Unpaid claims

If a registered agent has not paid an invoice at that time, the amount owing can only be paid pursuant to an authorization of the Chief Electoral Officer obtained by the registered agent or the claimant.

The payment of invoices after those six months without an authorization constitutes an offence under the Act.

If the authorization is refused, or its conditions cannot be met, an application may be made to a judge to authorize the payment of a claim by a registered agent.

**[Section 419]**

### 2.16. Payment of unpaid claims

Any amount owing for a claim for expense later than six months after payment of it is due can only be paid pursuant to an authorization of the Chief Electoral Officer obtained by a registered agent or the claimant. If the authorization is refused, or its conditions cannot be met, an application may be made to a judge to authorize the payment of a claim by the registered agent.

When an authorization is given for a claim to be paid after the election expenses return has been submitted to the Chief Electoral Officer, the registered agent must submit an updated version of the election expenses return within 30 days after making the payment.

**[Section 420]**

### 2.17. Election expenses return

Within six months after election day at a general election, the chief agent of a registered party must provide the Chief Electoral Officer with:

- an election expenses return in the prescribed form
- an auditor's report on the return
- a declaration by the chief agent concerning those election expenses, in the prescribed form

**[Section 429(1), (3)]**

The election expenses return must set out as an election expense each of the expenses incurred whether paid or unpaid, and the non-monetary contributions used by the registered party relating to the general election.

**[Section 429(2)]**

### 2.18. Auditor

#### *2.18.1. Responsibility of the auditor*

The auditor's examination of the registered party's election expenses return must enable him or her to give an opinion as to whether the return present fairly, and in accordance with generally accepted accounting principles, the information contained in the financial records on which the reports are based.

**[Section 426(1)]**

The auditor's opinion must indicate, if necessary: if the registered party's return does not present fairly the information contained in the financial records on which the return is based; if the auditor has not received from the registered agents or officers of the party all the required information and explanation; or if based on the examination of the party's records, proper accounting records do not appear to have been kept.

**[Sections 429(1), 430(2)]**

*2.18.2. Auditor's right of access to documents*

The auditor must have access at any reasonable time to all of the registered party's documents, and may require the registered agents and party officers to provide any information or explanation that, in his or her opinion, is necessary to enable to prepare the required financial reports.

**[Section 430(3)]**

## 2.19. Correction by the Chief Electoral Officer

The Chief Electoral Officer may correct an election expenses return or any updated document provided since the original filing, if the correction does not materially affect its substance.

For example, the reclassification of an expense would be the type of correction that could be made to a candidate's electoral campaign return. An omission in the return could not be remedied by this process. It would require that an updated version of the return be filed by the official agent.

**[Section 432(1)]**

## 2.20. Correction at the request of the Chief Electoral Officer

The Chief Electoral Officer may, in writing, request a registered party to correct the election expenses return within a specified period**.**

**[Section 432(2)]**

The leader or the chief agent of a registered party may apply to a judge for an order relieving them from complying with a request to correct the return.

Such application must be made within the time period specified by the Chief Electoral Officer for the correction, or within two weeks after the expiration of that period.

The Chief Electoral Officer must be notified of such an application.

**[Section 434(1)(*a*),(2)(*a*)]**

### 2.21. Registered party requesting the authorization for an extension

If the chief agent cannot provide the election expenses return within six months after election day, prior to expiry of this six month period, the chief agent or the leader, if there is no chief agent may apply to the Chief Electoral Officer for an authorization to provide the return, auditor's report, and declarations within an extended time.

**[Section 433(1)(*a*)]**

### 2.22. Registered party requesting the authorization for a correction to the election expenses return

The Chief Electoral Officer, on the written application of the chief agent or the leader, if there is no chief agent, may authorize the correction to the election expenses return, within a specified period.

**[Section 433(1)(*b*)]**

If the authorization is refused or the filing of the return within the extended period cannot be met, within two weeks after the rejection or within two weeks after the expiration of the extended period, an application may be made to a judge to allow for the transmission of the return and declaration within an extended time.

The Chief Electoral Officer must be notified of such an application.

**[Section 434(1)(*b*),(2)(*b*)]**

### 2.23. Reimbursement of election expenses

A registered party is eligible for a reimbursement if the party has obtained two percent or more of the total number of valid votes cast nationally, or five percent of the valid votes cast in those districts where the party sponsored candidates in an election.

Following receipt of a registered party's election expenses return, the auditor's unqualified report and the declaration by the chief agent, the Chief Electoral Officer will prepare and issue a certificate requiring the Receiver General to reimburse that registered party in the amount of 22.5 percent of its paid election expenses as set out in the return.

**[Section 435(1)]**

### 2.24. Identification of printed matter

The Act requires that all printed publicity material (such as pamphlets, brochures, newspaper and magazine advertisements, lawn signs, billboards, bus signs, etc.) that promotes or opposes the election of a registered party, its leader or a candidate during an election and that is

displayed or distributed during an election indicate that it was authorized by the registered agent of the party. The following wording is suggested:

"Authorized by the Registered Agent for the XYZ Party of Canada".

**[Section 320]**

### 2.25. Contributions of a registered party to a candidate

The registered party may make contributions consisting of the following:

- transfers of funds
- the difference between the normal commercial value of merchandise paid by the party (such as printing and office supplies) and the price charged to the official agent by the party
- the regular salary of employees of the party, assigned to assist the candidate in his or her campaign
- the regular salary of those individuals paid out of public funds who are assigned by a party or minister to assist a candidate in his or her campaign, and
- the allocation based on the proportion that promotes or opposes the candidate or the registered party

All of these examples are contributions by a registered party and must be reported by the official agent in the electoral campaign return of the candidate.

In addition, all non-monetary contributions made by the party to a candidate, to the extent that the property or service is used by candidate to directly promote or oppose a registered party, its leader, or a candidate during an election period, must be authorized by the candidate's official agent and are also election expenses incurred on behalf of the candidate that must be considered as election expenses of the candidate.

The registered agent of a registered party may not transfer contributions to a candidate after election day, except to pay unpaid claims that are disclosed in the candidate's electoral campaign return or as authorized by the Chief Electoral Officer or a court under Part 18 of the *Canada Elections Act.*

### 2.26. Incurring election expenses on behalf of a candidate

A registered party or anyone acting on its behalf may not incur election expenses on behalf of a candidate between the date of the issue of the writs for a general election and the day immediately following election day for the purpose of promoting the election of a particular

candidate or a person likely to become a candidate, ***other than the party leader***, unless such expenses are incurred in the name of a specific candidate and are reported by the candidate on the electoral campaign return. It is important to note that, if these expenses are not paid by the official agent, they are not eligible for reimbursement.

### 2.27. Third party status

A party that fails to register or that loses its eligibility for registration during an election period and wishes to continue to incur election advertising expenses becomes subject to the election advertising expenses limit applicable to third parties (the maximum amount of election advertising expenses allowed is $150 000 for a general election but not more than $3 000 per electoral district; the $3 000 limit also applies at a by-election).

Such a party must register as a "third party" with the Chief Electoral Officer after the date it lost its eligibility if it has spent, or plans to spend, more than $500 on election advertising. If the party has exceeded the election advertising expense limits when it becomes suspended or loses its eligibility, it must stop all advertising or may face prosecution. (*Refer to the Election Handbook for Third Parties, Their Official Agents and Auditors.*)

## 3. OTHER FINANCIAL REPORTING *(to follow)*

## 4. ENFORCEMENT

### 4.1. Overview

This section of the handbook presents general information about the legal consequences for failing to comply with the legislated requirements imposed on political parties. The Commissioner of Canada Elections is the official responsible for ensuring that the *Canada Elections Act* is complied with and enforced. Each case brought to the Commissioner's attention is assessed on its own merits. Any reliance on statements in this publication would nevertheless be an important factor in the Commissioner's deliberation.

The prosecutions of offences under the *Canada Elections Act* cannot be undertaken without the prior written consent of the Commissioner. A prosecution may be undertaken following an inquiry by the Commissioner on his own initiative or after the receipt of a written complaint within six months from the date of the occurrence of the alleged offence. Prosecution must occur within 18 months of the commission of an offence. The Commissioner may also seek an injunction from the court or may enter into a compliance agreement with an offender to prevent or stop an offence being committed. A compliance agreement replaces the need for a prosecution.

**[Sections 509-521]**

### 4.2. Categories of offences

All offences and penalties under the *Canada Elections Act* are found in Part 19 of the Act. There are three categories of offences that relate to political parties, their agents and officers:

- offences which result from an act or omission of a person or party which did not exercise due diligence
- offences which result from an intentional act or omission of a person or party, and
- offences which result from a wilful act or omission of a person or party

There are two processes provided for in the *Canada Elections Act* for the prosecution of offences:

- offences prosecuted on summary conviction, and
- offences prosecuted on indictment

The choice depends on the seriousness of the offence.

### 4.3. Penalties

Penalties vary for convictions depending on the procedure provided for prosecution:

- on summary conviction
    - fines vary from a maximum $1 000 to $2 000 (except for third parties and registered parties whose maximum fines can vary between $10 000 and $25 000)
    - imprisonment varies from a maximum period of three months to one year
    - or both a maximum fine and maximum imprisonment
- on indictment
    - fines vary from a maximum of $5 000 to $25 000
    - imprisonment varies up to a maximum period of five years

The Act also imposes additional penalties in some cases:

- a third party may be liable to a fine up to five times the amount by which it exceeded the election advertising expense limit in question

**[Section 500(6)]**

- a person may be liable to perform community service, to compensate any other person who has suffered damages, to perform any obligation which remains unperformed, or to take any other reasonable measure to ensure compliance with the *Canada Elections Act*

**[Section 501]**

Finally, the Act provides for additional penalties for persons convicted of illegal or corrupt practices:

- a person convicted of an illegal practice will, in addition to any other penalty, not be entitled, for the next five years, to be elected or to sit in the House of Commons or hold any federal office, or both

- a person convicted of a corrupt practice will, in addition to any other penalty, not be entitled, for the next seven years, to be elected or to sit in the House of Commons or hold any federal office, or both

**[Section 502]**

All of the obligations imposed by the *Canada Elections Act* on political parties, whether eligible, registered or suspended, may give rise to an offence when such obligations are violated by the party, its officers or agents. Penalties will vary, having regard to the nature of the offence and the circumstances surrounding its commission.

Elections Canada

EC 20225 (08/2000)

# APPLICATION TO REGISTER A POLITICAL PARTY
# DEMANDE D'ENREGISTREMENT D'UN PARTI POLITIQUE

**Language for correspondence - Langue de correspondance**

☐ English
Anglais

☐ French
Français

**This is (check the appropriate box): - La présente constitue (cochez la case appropriée) :**

☐ An application to register a political party
Une demande d'enregistrement d'un parti politique

☐ A confirmation that the information in the Registry of Political Parties is correct
Une confirmation que les renseignements consignés au Registre des partis politiques sont exacts

☐ An application to change the information in the Registry of Political Parties
Une demande de modification aux renseignements consignés au Registre des partis politiques

**FULL NAME OF PARTY - NOM INTÉGRAL DU PARTI**

| English - Anglais | French - Français |
|---|---|
| | |

**PARTY'S SHORT-FORM NAME OR ABBREVATION TO BE SHOWN ON ELECTION DOCUMENTS (BALLOT)**
**NOM ABRÉGÉ DU PARTI OU ABRÉVIATION DE CE NOM QUI DOIT FIGURER SUR LES DOCUMENTS ÉLECTORAUX (BULLETIN DE VOTE)**

| English - Anglais | French - Français |
|---|---|
| | |

In accordance with the *Canada Elections Act*, I hereby confirm that the information set out is complete and correct.

Conformément aux dispositions de la *Loi électorale du Canada*, je confirme que les renseignements ci-joints sont complets et exacts.

**Signature of the leader of the party - Signature du chef du parti**

**Date**

**Party Logo**

**Logo du parti**

**NAME OF LEADER - NOM DU CHEF**

Address - Adresse

| City - Ville | Province | Postal code - Code postal |
|---|---|---|
| | | |

| Telephone - Téléphone | Fax - Télécopieur | E-mail - Courriel |
|---|---|---|
| (  )  - | (  )  - | |

Once filed with the Chief Electoral Officer, this document is considered a public record in accordance with section 541 of the *Canada Elections Act* and may be inspected by any person on request during business hours.
Lorsque déposé auprès du directeur général des élections, ce document est considéré un document public au sens de l'article 541 de la *Loi électorale du Canada* et quiconque peut le consulter, sur demande, pendant les heures de bureau.

**ADDRESS OF OFFICE WHERE COMMUNICATIONS MAY BE ADDRESSED**
**ADRESSE DU BUREAU OÙ LES COMMUNICATIONS PEUVENT ÊTRE ADRESSÉES**

| Street - Rue | | |
|---|---|---|
| City - Ville | Province | Postal code - Code postal |
| Telephone - Téléphone<br>( ) - | Fax - Télécopieur<br>( ) - | E-mail - Courriel |

**ADDRESS WHERE BOOKS AND RECORDS ARE KEPT (if different from address above)**
**ADRESSE DU BUREAU OÙ LES LIVRES ET LES DOSSIERS SONT CONSERVÉS (si différente de l'adresse précédente)**

| Street - Rue | | |
|---|---|---|
| City - Ville | Province | Postal code - Code postal |
| Telephone - Téléphone<br>( ) - | Fax - Télécopieur<br>( ) - | E-mail - Courriel |

**NAME OF CHIEF AGENT - NOM DE L'AGENT PRINCIPAL**

**DECLARATION - DÉCLARATION**

I accept my appointment as chief agent for the party. I am aware of the duties and responsibilities of this position as stated in the *Canada Elections Act* and I am qualified to act as a chief agent.

J'accepte ma nomination à titre d'agent principal du parti. Je connais les fonctions et les responsabilités de ce poste en vertu de la *Loi électorale du Canada* et j'ai qualité pour agir à titre d'agent principal.

Date of appointment - Date de nomination | Signature | Date

| Address - Adresse | | |
|---|---|---|
| City - Ville | Province | Postal code - Code postal |
| Telephone - Téléphone<br>( ) - | Fax - Télécopieur<br>( ) - | E-mail - Courriel |

**NAME OF AUDITOR - NOM DU VÉRIFICATEUR**

**DECLARATION - DÉCLARATION**

I accept my appointment as auditor for the party. I am aware of the duties and responsibilities of this position as stated in the *Canada Elections Act* and I am qualified to act as an auditor.

J'accepte ma nomination à titre de vérificateur du parti. Je connais les fonctions et les responsabilités de ce poste en vertu de la *Loi électorale du Canada* et j'ai qualité pour agir à titre de vérificateur.

Date of appointment - Date de nomination | Professional designation - Désignation professionnelle

Signature | Date

| Address - Adresse | | |
|---|---|---|
| City - Ville | Province | Postal code - Code postal |
| Telephone - Téléphone<br>( ) - | Fax - Télécopieur<br>( ) - | E-mail - Courriel |

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**OFFICERS OF PARTY - Use additional sheet, if necessary**
**DIRIGEANTS DU PARTI - Utilisez une feuille additionnelle, si nécessaire**

| Name - Nom | Position title - Titre du poste | Date of appointment - Date de nomination |
|---|---|---|
| Address - Adresse | | |
| City - Ville | Province | Postal code - Code postal |

| Name - Nom | Position title - Titre du poste | Date of appointment - Date de nomination |
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| Address - Adresse | | |
| City - Ville | Province | Postal code - Code postal |

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**AGENTS OF PARTY, if any (other than the chief agent) - Use additional sheet, if necessary**
**AGENTS DU PARTI, s'il y a lieu (autre que l'agent principal) - Utilisez une feuille additionnelle, si nécessaire**

| Name - Nom | Type of agent - Catégorie d'agent | Date of appointment - Date de nomination |
|---|---|---|
| Terms and conditions - Attributions | Territory - Territoire | |
| Address - Adresse | | |
| City - Ville | Province | Postal code - Code postal |

| Name - Nom | Type of agent - Catégorie d'agent | Date of appointment - Date de nomination |
|---|---|---|
| Terms and conditions - Attributions | Territory - Territoire | |
| Address - Adresse | | |
| City - Ville | Province | Postal code - Code postal |

| Name - Nom | Type of agent - Catégorie d'agent | Date of appointment - Date de nomination |
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**PLEASE PRINT CLEARLY.**

**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

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| 1. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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| | Signature | City - Ville | Province | Postal code - Code postal |
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| 11. | Name - Nom | Address - Adresse | | |
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| 18. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 19. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 20. | Name - Nom | Address - Adresse | | |
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| 21. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 22. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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| | Signature | City - Ville | Province | Postal code - Code postal |
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| | Signature | City - Ville | Province | Postal code - Code postal |
| 25. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 26. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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| | Signature | City - Ville | Province | Postal code - Code postal |
| 28. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 29. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 30. | Name - Nom | Address - Adresse | | |
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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

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| 31. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 32. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 33. | Name - Nom | Address - Adresse | | |
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| | Signature | City - Ville | Province | Postal code - Code postal |
| 40. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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**PLEASE PRINT CLEARLY.**

**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

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|---|---|---|---|---|
| 41. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

| | | | | |
|---|---|---|---|---|
| 51. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 52. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 53. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 54. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 55. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 56. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 57. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 58. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 59. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 60. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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|---|---|---|---|---|
| 61. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 62. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 63. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 64. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 65. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 66. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 67. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 68. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 69. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 70. | Name - Nom | Address - Adresse | | |
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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

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|---|---|---|---|---|
| 71. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 72. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 73. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 74. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 75. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 76. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 77. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 78. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 79. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 80. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

| | | | | |
|---|---|---|---|---|
| 81. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 82. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 83. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 84. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 85. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 86. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 87. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 88. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 89. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 90. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

| | | | | |
|---|---|---|---|---|
| 91. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 92. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 93. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 94. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 95. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 96. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 97. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 98. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 99. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 100. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

| | | | | |
|---|---|---|---|---|
| 101. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 102. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 103. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 104. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 105. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 106. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 107. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 108. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 109. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 110. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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**EN CARACTÈRES D'IMPRIMERIE S.V.P.**

| | | | | |
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| 111. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 112. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 113. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 114. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 115. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 116. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 117. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 118. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 119. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 120. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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| 121. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 122. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 123. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 124. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 125. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 126. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 127. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 128. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 129. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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| 131. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 132. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 133. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 134. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 135. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 136. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 137. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 138. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 139. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 140. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |

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|---|---|---|---|---|
| 141. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 142. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 143. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 144. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 145. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 146. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 147. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 148. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
| 149. | Name - Nom | Address - Adresse | | |
| | Signature | City - Ville | Province | Postal code - Code postal |
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**Appendix B**

**Excerpt of subsection 2(1) of *Immigration Act* – definition of Canadian citizen**

Subsection 2(1) of the *Immigration Act* refers to subsection 3(1) of the *Citizenship Act* which defines "Canadian citizen" as follows:

"A person is a citizen if

(*a*) the person was born in Canada after February 14, 1977;

(*b*) the person was born outside Canada after February 14, 1977, and at the time of his birth one of his parents, other than a parent who adopted him, was a citizen;

(*c*) the person has been granted or acquired citizenship pursuant to section 5 or 11 and, in the case of a person who is fourteen year of age or over on the day that he is granted citizenship, he has taken the oath of citizenship;

(*d*) the person was a citizen immediately before February 15, 1977; or

(*e*) the person was entitled, immediately before February 15, 1977, to become a citizen under paragraph 5(1)(*b*) of the former Act."

**APPENDIX C**

## 1. EXAMPLE OF RESOLUTION

**Example of a certified copy of a resolution changing the name or logo of a party**

To: The Chief Electoral Officer

**RESOLUTION TO CHANGE THE NAME AND LOGO OF THE "OLD PARTY NAME"**

Example 1**:** The following resolution was put before the membership of the "Old Party Name" on January 2, 2010, and passed by a majority vote as required by the constitution.

Be it resolved that the name, short-form name and logo of the "Old Party Name" shall be changed as set out below, effective immediately.

Full name: ***New Party Name*** (English version)
***Le nouveau nom du parti*** (French version)

Short-form name: ***New Name*** (English version)
***Nouveau nom*** (French version)

Logo: ⮝

– OR –

Example 2: The following resolution was adopted by the Executive Committee of the "Old Party Name" on January 2, 2010, and passed by a majority vote as required by the constitution.

Be it resolved that the name, short-form name and logo of the "Old Party Name" shall be changed as set out below, effective immediately.

Full name: ***New Party Name*** (English version)
***Le nouveau nom du parti*** (French version)

Short-form name: ***New Name*** (English version)
***Nouveau nom*** (French version)

Logo: ⮝

_____ _____
Date Anne Prefontaine, Secretary

**We, the undersigned, hereby certify that this is a true copy of a resolution passed by the "*Old Party Name*" on January 2, 2010.**

_____ _____
Date Manon Dubois, Leader

_____ _____
Date Allan Able, Treasurer

## 2. EXAMPLE OF RESOLUTION

**Example of a certified copy of a resolution changing the leader of a party**

To: The Chief Electoral Officer

**RESOLUTION TO ELECT A LEADER OF THE *"NAME OF PARTY"***

The matter being put to the vote for the delegates of the leadership convention of the *"Name of Party"* on January 2, 2010, the delegates unanimously resolved that:

> Ms. Manon Dubois be elected the Leader of the *"Name of Party"*, effective immediately.

_____ _____

Date Anne Prefontaine, Secretary

**We, the undersigned, being respectively the Leader of the *"Name of Party"* and the Treasurer of that Party, hereby certify that the resolution is a copy of the resolution passed by the delegates at a convention of the *"Name of Party"* on January 2, 2010, electing Ms. Manon Dubois as the Leader of the "*Name of Party*".**

_____ _____

Date Manon Dubois, Leader

_____ _____

Date Allan Able, Treasurer