## Highlights of Bill C-2 New Canada Elections Act

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CHIEF ELECTORAL OFFICER	
Electronic voting process	CEO may carry out studies on voting including testing an electronic voting process at an official vote with the prior approval of the Committee of the House of Commons that normally considers electoral matters (18.1)
ELECTION OPERATIONS	
Returning officers to gain right to vote	• The right to vote would be extended to returning officers.(s.4)
Tie vote	• In the event of a tie vote following a judicial recount, a new election would be held in that electoral district. (s. 318(a)(ii))
	• The returning officer would advise the CEO of the result of the recount by returning the writ with no winner. (s. 313(2))
	• The CEO would report to the Speaker of the House that the seat is vacant, as soon as possible after receipt of the writ from the returning officer. (s. 318(a))
	• The CEO would issue a notice to electors advising them that the seat is still vacant and that a new election would be called in due course. (s. 318(b)(ii))
	• A new election would be called by the Governor in Council as per the procedure set out in the <i>Parliament of Canada Act</i> . (s. 559)

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	• At the new election, the first and second parties at the election which resulted in no winner, would be deemed to be the parties entitled to propose names for election officers. (s. 40)
	• If a redistribution occurs following the new election, for the purpose of the transposition of votes, the results of the election which resulted in an equality of votes would be used to determine parties entitled to provide names of election officers since the entitlement to select names is based on the results of a general election. (s. 41(2))
Multiple polling stations	• No later than 3 days before polling day, the returning officer, with the approval of the CEO, may establish several polling stations for a polling division. (s. 120(2))
Nomination of candidates (Verification of nomination papers)	• The returning officer would have 48 hours to verify a nomination paper, including whether the 100 persons (or 50 in Schedule III districts) supporting the candidate are qualified as electors in the electoral district. (s. 71 (2))
	• When depositing the nomination paper with the returning officer, the candidate (or his/her representative) would be issued a receipt for the \$1,000 deposit. (s. 72(1))
	• When the candidate requests to use a nickname, the CEO may determine that the use of this nickname does not comply with the Act if it could be confused with the name of a political party. (par. 66(2), subs. 66(4))
	• Once the verification of the 100 (or 50) signatures has been completed, the returning officer would advise the candidate whether his/her candidacy is accepted. (s. 71(1))
	• The CEO would issue instructions as to how to proceed with the verification of the signatures.

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	<ul> <li>(s. 71(2))</li> <li>Nomination papers would not be accepted if they do not contain 100 (or 50) signatures of qualified electors in the electoral district. (s. 71(2)(b)and (b))</li> </ul>
(Provision of occupation)	• Electors who nominate candidates would no longer be required to provide their occupation.(s. 66(1) (e)(f))
	• Official agents would no longer be required to provide their occupation. (s. 66(1)(a)(iii))
	• Auditors would now be required to provide their occupation.(s.66(1)(a)(iv))
(Deadline)	• Any candidate present in the office of the returning officer prior to 2 p.m. on nomination day would be considered for nomination. (s.70(2))
	• The provision enabling a candidate to file his/her nomination papers in a place as authorized by the returning officer would be extended to all electoral districts (currently available only in Schedule III districts). (s. 73(1))
(Electronic submission of documents)	• The provision enabling a candidate to file his/her nomination papers via electronic means would be extended to all electoral districts (currently available only in Schedule III districts). (s. 73(1))
	• The candidate would have 48 hours after 2 p.m. on nomination day (instead of 10 days) to send the original documents to the returning officer. (s. 73(1))
	Should the original documents not be received by the returning officer before the deadline, the candidacy would be cancelled unless the

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	returning officer is able to ascertain that the documentation has indeed been sent. (s. 73(2))
Candidate's right of access to apartment buildings or multi-residential buildings (including condominium buildings)	• The right of access by candidates or their representatives covers the period between 9:00 a.m. and 9:00 p.m. (s. 81)
	• There is an exception to this right: it does not apply to shelters for persons under reasonable apprehension of bodily harm (shelters for abused women, for example). (s.81)
	• An offence would be created for non-compliance.(s.486(2))
Right to display election signs at apartment buildings, multi-residential buildings and commercial premises	<ul> <li>Prohibition of the display of election signs in apartment leases or condominium declarations, or by any other means, would be illegal. (s. 322(1))</li> <li>Commercial tenants would also be given the same rights (s.322(1)).</li> <li>Reasonable restrictions on the size and placement of election signs would be permitted. (s. 322(2))</li> </ul>
Candidate or political party advertisements	• All printed advertisements, posters and other materials would be required to indicate authorization by the registered agent of the party or the official agent of the candidate, without the requirement to include the agent's name.(s.320)

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Lists of electors	• 4 additional copies of the preliminary lists of electors will be available on request to candidates. (subs. 94(2))
	• 4 additional copies of the final lists of electors will be available on request to members of the House of Commons and registered parties. (subs.109(3))
Use of lists of electors	• Members of the House of Commons may use the lists of electors to solicit contributions for the party when they are a member of a registered party. (par. 110(2)(b))
Registration at the polls	• The current vouching provisions for rural polls would be extended to all polling divisions (par. 161(1)(b))
	• An elector shall vouch for no more than one other elector at an election. (subs. 161(6))
	• All polling divisions would be established in accordance with the same rules (no more urban and rural). (s. 538)
	• Registration officers would be appointed in all areas, according to the instructions of the CEO. (s. 161(2))
	• Where this is not practical, the CEO could authorize the deputy returning officer to accept registrations at the poll. (s. 161(2)(b))
Level access	Revisal offices would be required to have level access (reflects current administrative directives).(s.98)
Transfer certificates for candidates	• The provision would be clarified to ensure that a candidate can only transfer from one polling division to another within the same electoral district.(s.158(1))
Transfer certificates for election	Returning officers would be required to issue

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officers	transfer certificates to election officers appointed following the advance polls, when they will not be working at their own polling station. (s. 158(2))
	• Transfer certificates would also be available to all election officers working on polling day (currently, only for deputy returning officers and poll clerks). (s. 158(2))
Special Voting Rules	• Any elector voting by special ballot at a polling station or in the returning officers' office would be able to obtain assistance from an election officer. (ss. 216, 243, 259)
	• Rules for rejecting ballots would be made uniform. (ss. 269, 279)
	• All electors, residents of Canada, who are temporarily outside Canada, would be able to submit their ballots through an embassy, high commission, consulate, Canadian Forces base or any other location designated by the CEO. This is for electors who are not on the International Register because they ordinarily reside in Canada. (s. 228)
	• An elector who inadvertently spoils a ballot in the office of the returning officer would be able to obtain a replacement ballot (only once). (s.s. 213(4), 258(3):, 242)
	• An elector who, because of a physical disability, is unable to get to the office of the returning officer may vote at home in the presence of an election officer and a witness chosen by the elector. (s. 243.1)
	• Returning officers may accept a request from electors who do not wish to reveal their mailing address when they show that they are under reasonable apprehension of bodily harm. (subs. 233(1.1)

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Definition of election officers	<ul> <li>Candidates' representatives would be added to the list of those persons excluded from this definition.(s.22(2))</li> <li>Persons who were candidates at the last general election or at a by-election since the last general election shall not be appointed as election officer. (par. 22(3)(d.1)</li> </ul>
Ballot paper	• Candidates' names would be centered on the ballot paper. (Form 3, Schedule 1)
Attendance at polling stations	• The CEO would have discretion to allow additional persons at polling stations (other than the deputy returning officer, poll clerk and candidates' representatives). This would allow, for example, foreign delegates who have come to familiarize themselves with the Canadian federal electoral system to be present. (s. 135)
Voting hours (Saskatchewan)	• In Saskatchewan, the voting hours are adjusted when the rest of the country is observing Daylight Saving Time: in electoral districts in the Central time zone from 7:30 a.m. to 7:30 p.m. and in the mountain time zone: from 7 a.m. to 7 p.m. (subs. 128(2)
(Other cases)	The CEO would adjust voting hours in electoral districts contained in a time zone that does not switch to Daylight Saving Time (s. 129)
(By-elections)	• If one or more by-elections were held on the same day within the same time zone, the hours of voting would be from 8:30 a.m. to 8:30 p.m., local time. (s. 131)
	• If several by-elections were held in different time zones on the same day, the current staggered voting hours provisions would be maintained.  (s. 128)

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Judicial recounts	A \$500 per day reimbursement ceiling would be established for the cost of recounts requested by a candidate or any other person (as is currently the case for automatic recounts). (s. 310(2))
Official addition of the votes	The process would now be called "validation of results" and simplified. (Part 13)
	• The original statement of the votes would be left outside the ballot box and used for the validation of results. The returning officer would only open a ballot box if the original statement were not available or if further verification were required. The copy of the statement would be found in the box. (s. 293(1))
ELECTION FINANCING	
Fundraising	• The value of contributions associated with ticketed fund-raising events would be defined. (s. 408)
Unpaid claims	• Any candidate's unpaid claim still outstanding after 18 months would become a contribution, unless the creditor has taken legal action or made other arrangements for payment. (s. 450(1))
Publication of spending limits	• The CEO would be required to publish annually estimates of spending limits for candidates for each electoral district according to the number of electors on the October 15 <sup>th</sup> list of electors. (s. 442(1))
Adjustment of spending limits	• During an election period, the candidates and the registered parties' election expenses limits are increased if the number of electors on the revised lists distributed on day 11 is greater than the number of electors on the preliminary lists. (subs. 441(1)
	• No later than day 7, the CEO publishes the number of electors on the revised lists of

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	electors in the Canada Gazette. (subs. 105(2)
Limit increased for postponed election	• Election expense limit of candidates would be increased only where the election is postponed following the death of a candidate sponsored by a registered party. (s. 441(4))
Reimbursements	• Reasonable personal expenses of candidates would be reimbursed at a rate of 50%, to a maximum of 50% of the candidate's spending limit, if the candidate is elected or obtained at least 15% of the valid votes cast. (ss. 464 and 465)
	• Personal expenses include expenses for the care of a child or a dependant with a physical or mental disability. (par. 409(b) and (c))
	• The candidate's nomination deposit would be fully reimbursed (\$1000) upon submission of his/her election expenses return and unused official receipts (this applies to all candidates, including those who withdraw before the prescribed deadline). (s. 468(1) and (2))
	• Reimbursement to political parties would be based on <i>paid</i> election expenses rather than <i>declared</i> expenses; the chief agent must pay these expenses; the reimbursement would be conditional on the filing of all required election expenses returns. (s. 435(1) and (2))
Disclosure of contributors	• All donors of contributions of more than \$200 (currently \$100) to registered parties, trust funds established by a registered party for an election, electoral district associations, candidates, trust funds established for the election of a candidate and third parties, would be identified, when disclosed, by address as well as by name. (s. 359(4)(b) 424(2)(c) and 451(2)(h)).
	When a contributor of more than \$200 is a numbered company, the name and address of the

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	chief executive officer or the president of the company must be disclosed, in addition to the name and address of the company (s. 424(2)(c.1), 428(c.1) and 451(2)(h.1)).
Nomination of official agent and auditor	A person, member of a partnership that has been appointed auditor for a candidate or a registered party may be appointed as official agent or auditor of another candidate (s. 85.1)
Dismissal of official agent	• A candidate would be allowed to dismiss his/her official agent at any time, by copy of a written dismissal to the returning officer and the CEO. (s. 87) The new official agent must accept the appointment in writing, with copies being sent to the returning officer and the CEO. (s. 86)
Bank account	• The official agent would be required to open a new bank account (under the title of the official agent) for all financial transactions of the campaign; the account must be closed once any surplus funds have been dealt with; proof of closure would be required to be sent to the CEO. (s. 437(1) (2) and (3))
Trust funds of registered party	• A registered party would be required to submit a financial report on any trust fund that it established for an election to the CEO along with its annual audited report. (s.428)
	<ul> <li>The trust funds financial report shall be audited as well. (s. 424(1)(d)</li> <li>A registered agent would be appointed to</li> </ul>
	prepare the financial return.
Transfers of surplus funds	• All transfers of surplus funds involving parties and candidates would be disclosed to the Chief Electoral Officer (s. 474(1)). The method of calculating the surplus fund would be detailed in the <i>Act</i> , taking into account transfers from the candidate to the registered party or the local

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	association. (s. 471)
Notice of assessment to candidates	• A notice of assessment would be sent to a candidate's official agent once the candidate's election expenses report has been audited. (s. 472(1)) The candidate would be required to dispose of the surplus within 60 days after receiving the notice and to notify the CEO of the disposal. (s. 473(1) and s. 474(1)) The CEO would publish a notice when the funds are disposed of. (s. 474(2))
Transferring funds after an election	• Parties (including their local associations) would be prohibited from transferring contributions (whether monetary or non-monetary) to elected and unelected candidates after polling day, except for the payment of unpaid claims as declared in a candidate's return or as authorized by the CEO. (s. 476)
Tax credits	• The <i>Income Tax Act</i> would be amended to increase the cut-off for the political tax credit from \$100 to \$200 for the 75% credit only. (s. 557(1))
Detailed financial statements	• Registered parties would be required to provide more detailed annual financial statements, including a statement of assets and liabilities, income and expenses, a statement of transfers received and given and a statement of contributions in accordance with general accounting principles. (s. 424 and s. 428)
Extension of deadline for the submission of the return respecting election expenses	• The CEO would be given discretion to extend the deadline for the submission of any party annual return or election expenses return and to permit corrections to these returns. (s. 432, s. 433(1)) if the application is presented within the time prescribed by the Act. (s. 434(2))
Candidate's statement of personal expenses	• All candidates would be required to submit a statement of personal expenses to their official agents. (s. 456(1)(a)) Those who incurred no

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	expenses would be required to submit a nil return in a form prescribed by the CEO.(s. 456(1)(b)) Supporting vouchers for personal expenses of more than \$50 would also be required.(s.410(1))
Disclosure of transfers of funds	• All transfers of funds between registered parties, trust funds of registered parties and candidates, electoral district associations and trust funds established for the election of a candidate would have to be reported to the CEO in both returns (candidate, trust funds of registered parties and party). (s. 424(2)(h), s. 428(2)(g), s. 451(2)(j))
Candidate's election expenses report to CEO instead of returning officer	• Official agents would submit their financial returns and supporting vouchers cancelled cheques, drafts and bank statements directly to the CEO. (s.451(4)) The CEO would provide this information to the returning officer to make it available to the public, upon request. (s. 413)
New audit certificate for candidates	• A new audit certificate would be established. The auditor would be required to complete and sign a checklist, including a number of questions concerning the accounting records maintained by the official agent. (s. 453 (2))
Auditors' fees	• The fees for a candidate's auditor would be adjusted to reflect inflation. The minimum subsidy would be increased from \$100 to \$250 and the maximum subsidy would be increased to \$1500 or 3% of the candidates' election expenses. (s. 467)
Limit for presentation of vouchers	• The limit for the presentation of vouchers to justify election expenses would be raised from \$25 to \$50. (S. 410 (1))
CEO to correct minor errors or omissions	• During the verification process, the CEO's staff would be permitted to correct minor errors and minor omissions which have no material impact on the returns of candidates, registered parties and third parties. (s.s. 361, 432(1), 457, )

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Corrections at the CEO's request	Chief Electoral Officer may also ask candidates'
Corrections at the CEO's request	official agents and chief agents of registered parties to correct election expenses return when an error or an omission is found.
REGISTRATION OF PARTIES	
Acceptance of chief agent	• A letter of acceptance from the chief agent of a party applying for registration would have to be filed with the CEO when submitting the party's application. (s. 366 (2)(h))
Merging of parties	• Provisions for the merging of registered parties would be established which would allow for the maintenance of the assets of the merging parties by the new merged party. (s.s. 400-403)
Eligible party	• A party which is accepted for registration would be defined as an "eligible" party until such time as it endorses candidates in 50 electoral districts at a general election and becomes a registered party. (s.s. 2, 368)
Statement of assets and liabilities of new registered parties	• When a party becomes registered (for having presented a candidate in 50 electoral districts during a general election) the party should file within 6 months with the CEO a statement of assets and liabilities for the party on the day it became registered.
Suspension of a registered party	• The CEO may delete a registered party that is not fulfilling the reporting requirements under the <i>Act</i> (s. s. 386, 387). Alternatively, a registered party may apply to the Chief Electoral Officer to be voluntarily deleted from the register of parties. (s. 388)
	• The party would be a "suspended party" from the day the CEO publishes notice of suspension in the Canada Gazette until it has fulfilled all requirements under the <i>Act</i> including remitting the value of any net assets to the CEO who would forward the funds to the Receiver General. (s.398)

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	• After the publication of the notification of its suspension, the party ceases to be registered party and therefore would not be subject to the obligations or benefits of registered parties under the Act. (s. 391)
	• A registered party not endorsing candidates in 50 electoral districts would automatically become a suspended party. (s. 385)
	• In lieu of remitting any net assets to the Chief Electoral Officer, it may continue to use these funds if it reapplies, declares its intention to nominate candidates at subsequent elections and becomes an eligible party. (s. 394)
	• The suspended party would have to report on its expenses up to the value of these assets and provide an audited statement of the fair market value of its assets. (s.s. 393(a), 396(2)) If the suspended party did not reapply or if it failed to report, it would be deleted from the registry of political parties and be required to remit the remainder of the value of its net assets (at the time that the violation occurred) to the CEO. (s.s. 397, 399)
	• The chief agent would be held responsible for the net assets of the suspended party if the requirements are not met. (s. 399(5))
Deletion of a registered party	• In any case of suspension, the party would be deleted from the registry on the date the CEO has received the party's final financial statement and remittance for any remaining net assets. (s. 398)
THIRD PARTIES	
Third party spending	Third parties would be defined as persons or groups who are neither registered political parties or their electoral district associations or

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	candidates and who incur expenses or independent election advertisements during the campaign period. (s. 349)
	• Eligible parties and registered parties who do not field candidates in 50 electoral districts at a general election would become third parties after the close of nominations, for the purpose of participating in the election campaign. (s. 349)
	• Election advertisements would be defined a advertising to promote or oppose the election of a candidate or a registered political party including taking a position on an issue with which the registered party or candidate is associated. (s.319)
	• The spending limit for election advertisement would be set at \$150,000 of which no more than \$3,000 could be spent on election advertisements if they name or identify candidates and are intended to promote of oppose candidate(s) or an issue to which they are particularly associated within an electoral district. (s. 350 (1) and (2))
	• For a by-election, the total limit would be set a \$3,000. (s. 350 (3))
	• Third parties would be required to register with the CEO at any time during the campaign period, but at the latest, immediately after incurring election advertising expenses of \$500 or more. (s. 353)
	<ul> <li>All registered third parties would be required to submit a report to the CEO documenting the commercial value of advertisements and the source of funds to finance them. (s. 359)</li> </ul>
	• Contributions in excess of \$200 received during the election period and for the six month period prior to the issuance of the writ, must be

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	included in the third party's report. (s. 359(2)(b))
	• When a contributor of more than \$200 is a numbered company, the name and address of the chief executive officer or the president of the company must be disclosed, in addition to the name and address of the company (s. 359(b.1)).
	• Third parties would be subject to the same blackout provisions as parties and candidates. (i.e. election ads and election surveys) (s.s. 323(1), 328(1))
	Third parties would not be eligible to be reimbursed for eligible expenses, to issue tax receipts or to receive copies of the list of electors.
	Offences would be created for non-compliance and collusion. (s. 496)
COMMUNICATIONS	
Publication of opinion polls and methodology	• A general provision would stipulate that an individual or organisation must provide methodological information with the results of an election opinion poll when they are first broadcast or published and for the following 24-hour period. (s.s. 326, 327)
Blackout provisions on ads and polls	• The blackout period would cover polling day, until the closing of the polls in an electoral district. (s.s. 323 and 328)
	The blackout applies to election advertising and new opinion polls. (s. 328)
	Candidates, political parties and third parties who request the publication or broadcast of political advertising and opinion polls and the

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	media (broadcasters and publishers) who broadcast or publish political advertising and polls would be subject to the blackout provisions. (s.s. 323, 324, 328) Offences would be provided for violations. (s. 495(4)(a)(c))
Removing billboard, banner or posters	• A public authority may remove a billboard, banner or poster if it is a hazard to public safety. (subs. 325(2))
Internet	<ul> <li>The words "other medium" or "what is commonly known as the Internet" would be added for clarification to the definition of "advertising expense", the blackout on ads and the poll provisions and where necessary. (s. 407(3)(a) and s.s. 323, 324, 328, 329)</li> <li>Election advertising on a personal web page is excluded from the election advertising definition.</li> <li>Political advertisements and opinion polls disseminated through the Internet would be subject to the 48-hour blackout period, except if they were posted before the blackout period and not altered. (s.s. 323, 328)</li> </ul>
BROADCASTING	
Merger of registered parties	The Broadcasting Arbitrator reallocates broadcasting time to a merged party according to a formula prescribed by the Act. (s. 338(2))
Reallocation of broadcasting time	• Where a party has been suspended or where an eligible party has lost its eligibility, the Broadcasting Arbitrator reallocates the time to eligible parties and registered parties. (s. 340(1), (2))
	• If the loss of eligibility or the suspension occurs during an election campaign, the broadcasting time shall not be reallocated. (s. 340(3))

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Broadcasting Arbitrator Guidelines	<ul> <li>The Broadcasting Arbitrator shall send his guidelines to the CRTC not later than 2 days after the issue of the writs. (s. 346)</li> <li>Not later than 4 days after the issue of the writs, the CRTC shall send to broadcasters and network operators the Regulations and Guidelines, with the Arbitrator Guidelines. (s. 347)</li> </ul>
ENFORCEMENT	
Injunctions	• The Commissioner would be empowered to seek a court order for interim relief during the election campaign, to require a person to comply with the <i>Act</i> if the Commissioner is of the view that the evidence demonstrates that the fairness of the electoral process and the public interest requires action to be taken. (s. 516(1)
Compliance agreements	• The Commissioner would be authorized to enter into an agreement with a person who has (or who may) commit an act or omission under the <i>Act</i> . (s. 51791)) The agreement would be voluntary and would put into place procedures or other actions aimed at ensuring compliance with the <i>Act</i> . (s. 517(2)(3)) The agreement would be made public. (s. 521)
Penalties	• Additional penalties would be available to a sentencing Judge, such as a requirement to file election reports, community work, compensation to the person who suffered damages, or other reasonable measures intended to ensure compliance with the <i>Act</i> . (s. 501)
Offences	• The <i>Act</i> would include a general offence to replace the need to refer to the <i>Criminal Code</i> for those violations for which no specific offence is provided in the <i>Act</i> . (s. 480)
	The existing offences would be clarified and categorized as to whether or not the offence

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	required intent and by the procedure required to prosecute the offence. (s.s. 480, 481, 482, 483, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499)
Controverted elections	• The <i>Dominion Controverted Elections Act</i> would be repealed. (s. 569) The process for contesting an election would be streamlined and incorporated into the <i>Canada Elections Act</i> . (s.s. 522 to 532)
GENERAL	
CEO Reports (Deadline for submission of statutory report)	• The CEO's statutory report would be submitted to the Speaker 90 days (instead of 60 days) following the return of the writs. (s. 534)
(Suggested amendments to Act)	• CEO reports on suggested amendments to the <i>Act</i> would be published as soon as possible after an electoral event. (s. 535)
(Elections) (By-election)	• The CEO would be required to publish poll-by- poll results for a general election as soon as possible and for a by-election within 90 days of the return of the writ. (s. 533)
	• Within 90 days of the end of the year, the CEO would be required to publish the statutory report respecting all by-elections occurring during the year. (s. 534(2))
(Method of publication)	• The CEO would determine the manner in which the financial returns are published following an election. The publication must occur within 12 months after the writs for an election. (s.s. 362, 412)
	• The CEO would determine the methods to be used for distributing or publicizing the contents of the returns for candidates and parties referred to in the <i>Act</i> . He would be given discretion to publish a summary of the returns. (s. 412)

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Repeal of Acts	• The Corrupt Practices Inquiries Act (1876) and the Disfranchising Act (1894) would be repealed. (s.s. 570 and 571)
	• They are outdated and other provisions in the <i>Canada Elections Act</i> cover the issues.
Coming into force	• The new <i>Canada Elections Act</i> would come into force six months after Royal Assent unless the CEO publishes an earlier notice in the <i>Canada Gazette</i> . (s. 574)
	• Sections on financial reporting will come into force in order to facilitate registered parties to disclose under the new rules. (s.s. 555-558)