

THE NEW PROVISIONS IN BILL C-2 :

A COMPARISON WITH THE RECOMMENDATIONS OF THE CHIEF ELECTORAL OFFICER, THE PARLIAMENTARY COMMITTEES AND THE ROYAL COMMISSION ON ELECTORAL REFORM AND PARTY FINANCING

(As passed by the House of Commons, February 28, 2000)

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March, 2000

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FOREWORD

The enclosed table compares the new provisions of Bill C-2, *An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts*, introduced during the 36th Parliament, Second Session, with the recommendations made by the Standing Committee on Procedure and House Affairs (1998), the Chief Electoral Officer (1996, 1997), the Special Committee on Electoral Reform (1993), and the Royal Commission on Electoral Reform and Party Financing (1992).

All the recommendations made by the Chief Electoral Officer in his 1996 and 1997 reports are considered. With the coming into force of certain bills (S.C. 1996, c. 35; S.C. 1998, c. 18), the following recommendations are no longer applicable or have already been implemented: 1-5, 7-12, 16-17, 25, 29, 33, 76, 82, and 102.

Also considered are the recommendations that were presented to and approved by the Standing Committee on Procedure and House Affairs. The term "recognized parties" in this document means any political party represented in the House of Commons. The term "registered parties" means any political party registered under the *Canada Elections Act*.

Finally, are only considered the recommendations of the Royal Commission on Electoral Reform and Party Financing dealing with the new provisions of Bill C-2 or the Chief Electoral Officer's recommendations.

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Representation				
	That Parliament considers the proposals of the Royal Commission on the representation of Aboriginal peoples, women, and members of ethnocultural groups (1996, Introduction)			To establish Aboriginal constituencies where it is justified by the Aboriginal elector population (rec. 1.4.12–1.4.17 and 2.5.13), provision of monetary incentives for political parties to encourage the election of women to the House of Commons (rec. 1.5.11).
Redistribution				
	Review the <i>Electoral Boundaries Readjustment Act</i> and re-examine whether boundaries should be revised every five years (1997).			Electoral district boundaries should be redrawn after each election, where necessary (rec. 1.4.7).
Revision				
Revisal offices will require level access (s. 98).	Provide level access at revisal offices (rec. 6).	All parties agreed (26.2).		Not specified. However, the Elections Commission should be responsible, along with local returning officers, for ensuring access to the vote for voters with physical disabilities (rec. 2.2.13).
Registration on polling day may take place before a registration officer or a DRO (s. 161(2)).	Allow the DRO or the poll clerk to fill out the polling day registration certificates (rec. 13).	The Reform Party of Canada and the Progressive Conservative Party of Canada indicated support. The Liberal Party of Canada and the Bloc Québécois were opposed. The New Democratic Party indicated that it wanted to discuss the matter further. The Committee is not convinced that this recommendation is required. According to the		Only the DRO may enter the name of an elector on the revised list on polling day (clause 176(2)).

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		Committee the procedures should be the same in all ridings (26.11).		
An elector may register at advance polls before the DRO (s. 169(1)).	Allow requests for registration at the advance polls (rec. 14).			
Polling Day Registration				
An elector may register in person on polling day before a registration officer or a DRO at a polling station. No elector must vouch for more than one elector at an election (s. 161).				Any voter may be entered on the voters list on polling day by applying in person to a special revising officer or a DRO (clause 175(1)).
List of Electors				
Preliminary lists (s. 94 (2)), revised and official lists (s. 107(4)), final list: (s. 109(3)): up to four additional copies.	Reduce additional number of copies of the lists in all cases, to up to two additional copies (rec. 15).			Preliminary list: one copy of the preliminary list (clause 137(2)a). Final list: CEO to notify parties, local associations and candidates of the number of electors on lists (clause 179).
A Member of Parliament who receives a copy of the lists of electors or final lists of electors may use the lists for communicating with his or her electors, and, in the case of a member of a registered party, for soliciting contributions for the use of the registered party and recruiting party members (s. 110(2)).				
		Register of Electors: Following suggestions from witnesses as well as members of the Committee, the majority of members expressed support for the inclusion of telephone numbers, where these are publicly available.		

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		There was, however, little support for the inclusion of occupations, and mixed support for the addition of birth dates and gender (2.1).		
Residence				
Incumbents, their spouses and dependants, have the right to register and vote in an electoral district other than the one they reside in (s. 10).	Repeal section 60 (re: right for an incumbent to register in electoral districts other than that in which he resides) (rec. 18).	Members were divided, with some agreeing with the reasoning of the CEO, and others arguing that this is an important provision that reflects the realities faced by MPs and their families (25.3).		
Transfer Certificate				
A candidate may receive a transfer certificate to vote at another polling station in the same electoral district (s. 158(1)).	Transfer certificates continue to be available for candidates who wish to vote in a polling division other than the one in which they reside (rec. 19).	All the registered parties were in agreement. The Bloc Québécois indicated that it supported it as long as the transfer certificates are made available only to candidates (26.5).		The transfer certificate would be abolished (rec. 2.2.13). The Royal Commission was of the opinion that this procedure was no longer required with the extension of the special ballot.
Transfer certificate broadened to include all election officers working on polling day (see 158(2)).	Issue transfer certificate to any person appointed by the returning officer to work at a polling station (rec. 20).	Supported by all the parties (26.6).		The transfer certificate would be abolished (rec. 2.2.13). The special ballot would have replaced this procedure.
Issue transfer certificate to any person whose name appears on the official list of electors for a polling station and who has been appointed, after the last day of advance polls, to act as an election officer for another polling station (s. 158(2)).	Issue transfer certificates to anyone working on polling day who was appointed at any time after the advance polls and who will not be working at the polling station where he or she is registered (rec. 21).	The recognized parties agreed. The Bloc Québécois noted that it supported it as long as the returning officers issue transfer certificates only to those persons who have applied for them (26.7).		The transfer certificate would be abolished (rec. 2.2.13). The special ballot would have replaced this procedure.
An elector who is in a wheelchair or who has a physical disability, and who is unable to vote without difficulty in his or her polling division because it does not have a polling station with level access, may apply for a transfer	Allow an elector, who by reason of any disability is unable to vote without difficulty at a polling station that is without level access, to apply for a transfer certificate at any time (rec. 22).	Supported by all the parties (26.8).		The transfer certificate would be abolished (rec. 2.2.13). The special ballot would have replaced this procedure.

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certificate to vote at another polling station with level access in the same electoral district (s. 159).				
Ballot Paper				
Names will be centred on ballot paper (Schedule 1, Form 3).	Amend Schedule 1, Form 3 so that the candidate's name must be centred (rec. 23).	All the parties agreed (26.3).		No change recommended (Schedule 1, Form 2).
	Print logos of the registered political parties in black on the left side of the ballot paper preceding the candidates' names (rec. 24).	While all the parties except the Progressive Conservative Party of Canada agreed, several members of the Committee expressed concerns (26.4).		Party's initials or logo would be included on the ballot (rec. 2.2.14 <i>d</i>). In addition, a poster would be displayed at polling station (rec. 2.2.14 <i>e</i>).
Polling Station – Voting				
Election officers allowed to be present at polls and any observer or member of the CEO's staff whom he or she authorizes to be present (s. 135).	Allow all necessary election officers to be present at the polling station as well as, with CEO's prior approval, observers and CEO's staff (rec. 26).	The recognized parties agreed. Members of the Committee also agreed, pointing out that it would allow some useful flexibility but also controls (26.26).		
	Representatives of candidates to be a minimum of sixteen years of age (rec. 27).	All of the recognized parties except the New Democratic Party supported it (26.12).		
A candidate may authorize any number of representatives to be present at a polling station, but only two may be present at any time (s. 136).	Allow one representative for each candidate to be present at a polling station at any time (rec. 28).	The Bloc Québécois supported it, arguing that problems of congestion and disruption of the smooth operation of the voting can occur if the number of members are not more limited. The other four recognized parties, however, were opposed. It was argued that there needs to be flexibility (26.13).		One representative at ordinary, advance and mobile polls (rec. 2.3.9).
		On the recommendation made by Yves Rocheleau, MP, regarding		

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		agents at polling stations, members expressed concerns about the number of people entitled to be present at polling stations. The majority of members, however, supported that each agent be allowed to deal with the supervisor (25.6).		
		On the recommendation made by the Reform Party of Canada that identification be required from each voter prior to receiving a ballot paper, some members felt that it is not unreasonable to require voters to bring some piece of identification. Although there was a feeling that a requirement for identification would set up an unnecessary barrier to voting. In the end, the majority of members expressed support for this proposal (9.2).		
Hours of Voting				
The voting hours in Saskatchewan would be different if polling day is a time of the year when the rest of the country is observing daylight saving time (s. 128(2)).				
CEO may adjust voting hours for electoral district in a time zone that does not switch to daylight saving time (s. 129).	CEO to use his discretion when adjusting voting hours for electoral districts in a time zone that does not switch to daylight saving time (1997).	All of the recognized parties agreed that this problem must be addressed, and supported this proposal (26.1).		
If only one by-election is held or if more than one by-election is held on the same day and in the same time zone, the hours of voting are from				

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8:30 a.m. to 8:30 p.m. (s. 131).				
Special Voting Rules				
Any elector will be able to obtain assistance from an election officer (s. 216 – Canadian Forces electors, 243 – Electors residing in Canada, 259 – Incarcerated electors).	Allow any elector voting under the Special Voting Rules to request the assistance of election officers (rec. 30).	Members supported it (8.1).		
Allow submission of ballot through a Canadian Embassy, Canadian High Commission, Canadian Consular Office, Canadian Forces base or any place designated by the CEO (s. 228).	Allow Canadian citizens temporarily abroad to submit ballots through an embassy, high commission, consulate, Canadian Forces base or any other location designated by the CEO (rec. 31).	All the recognized parties supported it, except the Reform Party of Canada which indicated that it was opposed (26.9).		Elector should ensure that the ballot is received at the RO's office or at the Elections Commission, as the case may be (clause 277).
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 (a. 233(1.1))				
Replacement ballot where an elector inadvertently spoils his or her ballot (s. 242 – Electors residing in Canada).	Allow for the replacement of a ballot paper cast in the office of the returning officer, if inadvertently spoiled by the elector (rec. 32).	All the recognized parties except the Reform Party of Canada supported it (26.10).		No person should obtain more than one ballot at an election (clause 275).
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)				
Rules for rejecting special ballots will be uniform (s. 269 – Votes counted by EC, 279 – Votes counted by RO)	Apply consistently the criteria established in section 104 of Schedule II, for the rejection of special ballots (rec. 34).	The Committee agreed that equality and fairness dictate that the same criteria should be used in all cases (8.5).		Criteria applied consistently (clause 284).
Results of Voting				

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RO to validate the results of the vote from the original statements of the vote (s. 293(1)).	Conduct the official addition using the statements of the vote (rec. 35).	The parties agreed (26.15).		ROs should use the statement of the poll (clauses 294, 295).
Cost reimbursement subject to a maximum of \$500 for each day or part of a day during which the judge conducted the recount (s. 310(2)).	Apply the actual \$500 cost reimbursement ceiling to every type of application for recount (rec. 36).	The Committee agreed that the level of reimbursement should be the same in both cases (9.3).		Recommended uniform procedures and that the process be administratively undertaken by the Elections Commission (rec. 2.3.17, clauses 298-301).
The <i>Dominion Controverted Elections Act</i> is repealed (s. 573).	Repeal the <i>Dominion Controverted Elections Act</i> (rec. 37).	The Committee agreed to repeal it and that provisions replacing that statute should be incorporated into the <i>Canada Elections Act</i> (10.3).	Repeal the <i>Dominion Controverted Elections Act</i> (Annex F, clause 11).	Repeal the <i>Dominion Controverted Elections Act</i> (rec. 2.3.18).
Process for contested elections streamlined and modernized. Highlights: a court that has jurisdiction in all or part of the electoral district and the Trial Division of the Federal Court; \$1,000 deposit; appeal to the Supreme Court of Canada within 8 days (s. 522-532).	Review the contested election results process: Highlights: Federal Court of Canada; 28 days to submit a petition; \$1,000 deposit; appeal to the Federal Court of Appeal, and to the Supreme Court of Canada within 15 days (rec. 38).	The Committee was essentially in agreement with the principle behind it. Regarding the specific details, however, the Committee did not feel that it is in a position to approve these (10.4).	Review the contested election results process: Highlights: Federal Court of Canada; 28 days to submit a petition; \$1,000 deposit; appeal to the Federal Court of Appeal within 15 days; decision final (Annex F, clause 8).	Review the contested election results process: Highlights: Federal Court of Canada; 30 days to submit a petition; \$1,000 deposit; appeal to the Federal Court of Appeal within 7 days; decision final (rec. 2.3.18; clauses 304-309).
RO allowed to vote (see s. 3, 4). Second election in the event of a tie (s. 318).	Allow RO to vote. Provision should be made for a second ballot, to be held according to the rules for a by-election, within time limits to be specified in the statute (1997).	The Committee argued that the existing system has worked well. Most members were opposed to changing it (3.2).		RO be qualified to vote (rec. 1.2.3). In the event that an election remains tied after a recount, a special second election involving all candidates be conducted within three weeks of the recount (rec. 1.2.4).
Nomination				
Every employer of employees to whom Part III of the <i>Canada Labour Code</i> applies must, on application, grant any such employee leave of absence (s. 80).	Extend to all employees the right to a leave of absence (rec. 39).	Concerns were expressed about the effect that such a provision would have on small employers, and, as a result, opinions were evenly divided on this proposal (4.7).		Every employer would have to grant a leave of absence (rec. 1.3.17, clause 20).

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Nomination process simplified: no occupation required; electronic submission of documents; verification of nomination process (see s. 66-79).	Simplify the nomination procedures (1997).	Members agreed (4.3).		Nomination process simplified: documents transmitted via facsimile (1.3.14).
A nomination paper must include the names, addresses and signatures of at least 100 electors resident in the electoral district (50 for electoral district mentioned in Schedule 3) (s. 66(1)(e)-(f)).				A nomination paper must include the declaration or signatures of 250 voters resident in the constituency (100 in remote areas) (rec. 1.3.14; clauses 186, 188(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(4)).				
Before giving confirmation of a nomination or refusing to accept one, the returning officer must verify, in accordance with the instructions of the CEO, that the signatures are those of electors who are entitled to vote in the electoral district of the prospective candidate (s. 71(2)).				The person filing the nomination paper must make a declaration certifying that the signatures on the nomination paper were all made by voters resident in the constituency (clause 187(3)).
A nomination paper must include the name, address and occupation of the candidate (s. 66(1)(a)).		It was suggested that one solution would be to delete the candidate's occupation. It no longer serves any purpose, if it ever did, and should not be required. Most of the members agreed (25.4).		A nomination paper must include the name and occupation of the prospective candidate (rec. 188(1)).
A nomination must include the name and address of the official agent, and the name, address and occupation of the auditor (s. 66(1)).				A nomination paper must include the name, address and occupation of the financial agent, and the name and address of the auditor (clause 188(1)).
No nomination may be received from	Accept nomination paper if	The Committee agreed that		

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any person who enters the office of the RO after 2:00 p.m. (s. 70(2)).	candidate present at 2:00 p.m. (rec. 40).	persons with nomination papers should be allowed to file them so long as they are in the place or places fixed for nomination at the time of the deadline (4.4).		
A candidate is allowed to submit nomination paper via electronic means. Original documents must be received no later than 48 hours after the close of nominations (s. 73(1)).	Repeal reference to Schedule III in section 80.1 and allow submission of nomination paper using data transmission technologies (rec. 41).	The Committee agreed, although it believes that 10 days is too long, and should be replaced by five days (4.5).		No change recommended clause 186; Schedule II).
If original documents are not received before deadline, candidacy will be cancelled (s. 73(2)).	Address the failure of a candidate to submit the nomination paper within the specified time frame (rec. 42).	The Committee agreed that appropriate provisions be established to address the failure of a candidate to submit the nomination paper within the specified time frame. It also noted there would have to be provisions to ensure that the documents submitted were identical to those filed electronically (4.6).		No change recommended clause 186; Schedule II).
The returning officer must, not later than 48 hours after a nomination paper is filed, give the prospective candidate notice of the confirmation or refusal of the nomination (s. 71(1)).	Adopt adequate time frames for verifying nomination papers by the returning officer (1997). Candidates should obtain a confirmation of nomination from the returning officer within 48 hours (1997).	Members unanimously agreed (4.1). Concerns were expressed that there should be a proviso allowing minor clerical or technical deficiencies to be corrected. With this caveat, members endorsed this recommendation (4.2).		
Candidate's Deposit				
On receipt of the deposit, the returning officer must issue a receipt to the witness (s. 72(1)).				
The Receiver General must pay the amount of the candidate's nomination deposit to the official agent on receipt from the CEO of a certificate indicating that the CEO received the	Allow the reimbursement of the first half of the deposit to candidates who were elected and to those who obtained at least 15% of the valid votes cast (rec. 100).	The parties agreed (26.21).		The Elections Commission shall return to the candidate the performance guarantee that was deposited where the candidate and the financial agent have complied

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election campaign return and the unused forms for official receipts to contributions (s. 468(1)-(2)).				with the requirements of the Act (clause 407).
The Receiver General must pay the amount of the candidate's nomination deposit the official agent on receipt from the CEO of a certificate indicating that the CEO received the election campaign return and the unused forms for official receipts to contributions (s. 468(1)-(2)).	Reimburse any candidate, including any candidate who withdraws, half of his or her deposit upon production of the election expenses return and the unused official receipts (rec. 101).			A candidate who withdraws forfeits the performance guarantee (clause 194(4)).
Campaigning				
No person who is in control of an apartment building or other multiple residence may prevent a candidate or his or her representative, between 9:00 a.m. and 9:00 p.m. from canvassing or campaigning. This does not apply to those that are in control of a building whose residents' physical or emotional well-being may be harmed (s. 81).	No exception to the right of a candidate to enter any apartment building or multiple residence between the hours of 9:00 a.m. and 9:00 p.m. (rec. 43).	The Committee supported it (5.1).		
	Extend access for candidates to any public building (1997).	Concerns were expressed about campaigning on private property that is not primarily a residence (5.2).		
Every person who contravenes section 81 (right of candidate to enter building) is guilty of an offence (s. 486(2)).	Create an offence if non-compliance with the provisions related to the authority of a candidate to enter a building (rec. 44).	There was general agreement (5.3).		
Official Agent				
In the event of the death, incapacity, resignation or revocation of the appointment of an official agent or of	Allow a candidate to dismiss his or her official agent at any time (rec. 45).	Members expressed some concerns. There was no agreement (16.1).		A person required to have a financial agent would be required to replace immediately an agent

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an auditor, the candidate must, without delay, appoint another person to act in that capacity (s. 87).				who ceases to hold office for any reason (clause 345).
A candidate who appoints an official agent or an auditor must obtain from him or her a signed statement consenting to act in that capacity (s. 86).	Require the new official agent to accept his or her appointment in writing (rec. 46).	Members felt that it was reasonable and could be required in all cases (16.2).		A financial agent would be required to provide a signed consent (clause 342(2)).
No person, other than an official agent of a candidate, must accept contributions to the candidate's electoral campaign (s. 438(2)).	Allow the official agent to provide written authorization for other individuals to accept donations on behalf of the candidate (rec. 47).	While some concerns were expressed about having too many people involved in receiving donations, members were generally supportive of it, feeling that it would simplify an area that is fraught with technicalities at present (16.6).		A financial agent would be required to authorize another person, in writing, to make payments (clause 349(1)).
An official agent must open a separate bank account (s. 437(1)).	Require that the official agent open one new account for the sole purpose of each campaign (rec. 48).	The Committee agreed that each agent should be required to open a new bank account for the sole purpose of each campaign (16.3).		A financial agent would be required to maintain an account in one or more financial institutions (clause 348).
The campaign bank account must indicate the date on which it was opened and the name of the account holder as follows; "(name of official agent), official agent for (name of candidate, year)" (s. 437(2)).	Campaign account to be opened in the name of the official agent (rec. 49).	The Committee agreed (16.4).		
Registration of Political Parties and Merger				
The application for registration must include the party's chief agent consent to act (s. 366(2)).				
Two or more registered parties may, at any time other than during the period beginning 30 days before the issue of a writ of election and ending on polling day, apply to the CEO to	Allow the merging of political parties (rec. 50).	The Committee supported it (12.1).		

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become a single registered party (s. 400(1)).				
On or after the publication in the <i>Canada Gazette</i> by the CEO of the notice of its suspension, a suspended party ceases to be a registered party (s. 391).	Notice under 31(9) to be referred to as the Chief Electoral Officer's notice of intent to delete a political party from the registry (rec. 51).			The effective date of deregistration must be specified by the Elections Commission (clause 55).
The CEO must deregister a suspended party on the day on which he receives the party's final financial transactions return and remittance for any remaining net assets (s. 398).				The Elections Commission may deregister a political party where it is suspended and fails to comply with the terms or conditions for its reinstatement. The effective date of the deregistration must be specified by the Elections Commission (clauses 54, 55).
Third Parties				
Third parties will be subject to a spending limit on election advertising (\$150,000 in relation to a general election; \$3,000 in a given electoral district) and obliged to register if they incur election advertising expenses of \$500 or more (s. 349-362).	Establish a level playing field regarding third party participation, including registration and accountability. The <i>Referendum Act</i> can serve as an example (registration, \$5,000 limit) (1997).	Some members argued that the intent is fairness and the establishment of a level playing field for all participants. Many members felt that the proposal from the CEO involves reasonable restrictions, and is based on disclosure. Most members agreed, in principle, with the proposed approach. Members, except those belonging to the Reform Party of Canada, agreed that that should address the matter of issue advocacy (18.2).	Require third parties to register if they incur or intend to incur expenses in excess of \$1,000 in advertising on federal election related public policy issues (Annex D).	Election expenses incurred by any group or individual other than registered parties and candidates should not exceed \$1,000 (rec. 1.6.6).
Local Associations				
	Require the appointment and registration of an agent at the local level for financial transactions and reporting (rec. 53).	Various concerns and objections were expressed. In short, many members felt that the proposal would be impractical and		Require registration of constituency associations (rec. 1.5.5; clause 22).

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		<p>unachievable, and would involve a new and unwarranted layer of bureaucracy.</p> <p>While most members were concerned that this proposal was unacceptable in its current form, there was general agreement that there needs to be increased transparency of financial transactions and accountability (13.1).</p>		
	Allow deregistration of electoral district agents (rec. 54).	Given the rejection of the main proposal, it was unnecessary for the Committee to deal with this recommendation (13.2).		Allow deregistration of constituency associations (rec. 1.5.7; clause 52).
Trust Funds				
If a registered party establishes a trust fund to be used for an election, its chief agent or one of its other registered agents shall prepare a trust fund return on the financial transactions in relation to the trust fund. The report must be audited (428(1)).	Require the appointment and registration of an agent for any trust fund that is associated with a political party for financial transactions and reporting (rec. 55).	While the Committee has not endorsed the concept of the registered electoral district agent, members were generally in agreement with this proposition. They felt, however, that there needed to be some clarification to ensure that any requirement not impose an undue burden on local associations (16.8).		Require registration of party foundations (rec. 1.5.13(7), 1.5.15-17; clause 25).
Leadership Contestant				
	Require the appointment and registration of an agent for each contestant for the leadership of a registered party for financial transactions and reporting (rec. 56).	For purposes of transparency and fairness, members agreed with the thrust of this proposal. They did not agree that the return should include a report on volunteer labour (16.7).		Require reporting from leadership contestants (rec. 1.5.12(4); 1.5.13).
	Require the registered agent of a leadership contestant to return to the registered political party all	The Committee supported it (22.5).		Surplus be reverted to the registered political party, to the foundation or constituency

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	surplus funds (rec. 57).			association of the party (rec. 1.5.13).
Transfers of Funds				
<p>The fiscal period return must set out a statement, for each electoral district, of transfers of funds by the registered party to one of its candidates, one of its electoral district associations or a trust fund established for the election of the candidate endorsed by the registered party (s. 424(2)(h)).</p> <p>The candidate's return must set out a statement of transfers of funds by the candidate to an electoral district association of the registered party that endorses the candidate (s. 451(2)(j)).</p>	Report all transfers made between registered political parties and candidates (rec. 59).	Members agreed that this would be consistent with the principle of transparency (21.7).		No transfer unless it is related to federal political purposes (clause 340).
<p>The fiscal period return must set out a statement, for each electoral district, of transfers of funds by the registered party to one of its electoral district associations (s. 424(2)(h)).</p>	Report all transfers of funds involving registered political parties or local associations (rec. 60).	The Committee supported it (21.8).		Surplus funds should be reported in the candidate's election expenses return (rec. 2.6.15, clause 396).
Surplus of Funds				
<p>The surplus of electoral funds of a candidate receives for an election is the amount by which the candidate's electoral revenues are more than the total of the candidate's expenses paid by his or her official agents and the transfers to the registered party or the electoral district association (s. 471).</p>	Specify the method by which the surplus must be calculated (rec. 61).	The Committee agreed (22.1).		Surplus is the amount by which the sum of the contributions and the reimbursements received exceeds the amount of election expenses actually incurred (clause 420).
<p>If the CEO estimates that a candidate has a surplus of electoral funds, the CEO must issue a notice of the estimated amount of the surplus to</p>	CEO to issue a notice of assessment to the candidates' official agents, on completion of the audit of the candidates' election	The Committee agreed (22.2).		

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the candidate's official agent (s. 472(1)).	expenses returns (rec. 62).			
Except in some cases, no registered agent of a registered party and no electoral district association of a registered party must, after polling day, transfer electoral funds (s. 476).	Prohibit political parties and registered electoral district agents from transferring funds to unelected candidates after polling day (rec. 63).	Members were uncomfortable with the wording of this provision. They felt that it should apply to all candidates, rather than just unelected candidates, and that it should be clearly provided that this does not prevent the payment of legitimate debts to candidates (22.3).		
Surplus must be transferred, when a candidate was not endorsed by a registered party, to the Receiver General (s. 473(2)).	Return the surplus funds of an independent candidate or a candidate with no political affiliation to him or her, if that person is a candidate at the subsequent election (rec. 64).	The Committee agreed that this approach would be fair, but feels that it must be clear that he or she would only be entitled to the return of the funds if he or she runs as an independent candidate or a candidate with no political affiliation in the next election (22.4).	Return to the candidate, if candidate is again a candidate (Annex C, clause 7).	If a candidate runs in the subsequent general election, the funds are to be transferred to the financial agent (rec. 1.6.12).
Election Expenses				
An election expenses includes any cost incurred, 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 (s. 407(1)).	Define election expenses as: the value of any goods or services used during an election period by or on behalf of a candidate or registered political party to promote or oppose the election of a candidate or a registered political party. (Providing for specific inclusions and exclusions) (rec. 65).	Most members concluded that the costs of polling and other research conducted during an election should be included within the definition. Members agreed that the training of party officials and volunteers for the campaign, and the costs of production of campaign commercials or advertisements should be included. There was general agreement that the extra expenses relating to the disability of a candidate or those related to child care or care of a dependant should be reimbursed,	Define election expenses as: the value of any property or services used during an election to promote or oppose, in a direct or non-direct manner, the election of a candidate or a registered party, its programs or policies. (Providing for specific exclusions) (Annex B, clause 4).	Election expenses: cost of any goods or services used during an election to promote or oppose, directly or indirectly, the election or program of a candidate or a registered party, or to approve or disapprove a course of action advocated or opposed by a candidate, registered party or leader. Also includes an amount equal to any contribution of goods or services used during the election. (Providing for specific exclusions). (rec. 1.6.1; clause 353).

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		<p>but should not be included in the spending limits of candidates.</p> <p>Members agreed that the definition should include any expenses incurred after the issue of the writs, by an individual who officially becomes a candidate after the date for the issue of the writs.</p> <p>The Committee agreed that the definition should include, for a registered political party, any election expenses incurred by the leader of a registered political party, other than those election expenses directly related to that individual as a candidate in an electoral district.</p> <p>Members agreed that the cost of a candidate's deposit be excluded.</p> <p>Members agreed that there should be a clear definition of what constitutes advertising.</p> <p>Members were generally opposed to the exclusion of payments to candidates' representatives at the polls, arguing that if such payments are made by candidates' campaigns, they should be included within their spending limits (14.1).</p>		
<p>On October 15 in each year, the CEO must calculate the maximum amount of the candidate's election expenses limit based on the lists of electors in the Register of Electors (s. 442(1)).</p>		<p>The Reform Party of Canada recommended that Elections Canada produce annual figures for each riding that would take into account the changing population.</p> <p>Members were generally in</p>		

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		agreement with this proposal. The disagreement was over whether the annual figures would be the spending limits for any election held that year; a floor, or minimum, that could be increased but not decreased; or merely an estimate or approximation (15.1).		
The candidates' election expenses limit are based on the number of electors on the preliminary lists or the revised lists, whichever is greater (s. 441 (1)).				
If a candidate dies in the period beginning at 2:00 p.m. on the 5th day before the close of nominations and ending on polling day, the base amount for that electoral district is increased by 50 percent(s. 441(4)).	Increase the spending limit for candidates only where an election is postponed following the death of a candidate sponsored by a registered party (rec. 94).	While a number of members supported this, the majority did not. The majority of members, however, supported a revised proposal whereby an election would be postponed in any riding where a candidate dies after the close of nominations and before the close of polls on polling day (15.2).	Where the candidate endorsed by a registered party dies after the 5th day before the close of nominations but before the closing of the polls on polling day, the amount of expenses is deemed to be one and one-half times that amount (Annex B, clause 5).	If a postponed election is held because of the death of a candidate, the limit for the election expenses: <ul style="list-style-type: none"> • of any new candidate would be equal to the limit that would otherwise apply; • of the continuing candidates would be equal to 150 per cent of the limit that would otherwise apply (rec. 2.6.21).
Personal Expenses				
Personal expenses are the candidate's expenses in relation to an electoral campaign, other than election expenses, that are reasonably incurred in relation to his or her campaign and include: (a) travel and living expenses; (b) childcare expenses; (c) expenses relating to the provision of care for a person with a physical or mental incapacity for whom the candidate	Include candidates' personal expenses as election expenses. Although the expenses related to the disability of a candidate, or those incurred during an election for child care or for the care of other dependent persons, are not considered election expenses, they could be included for the purpose of the reimbursement (rec. 66).	Most members were generally supportive of this, but others opposed the inclusion of candidates' personal expenses in the spending limits. All members felt that it is extremely important that there be clear definitions of what constitutes a personal expense (14.2).	Personal expenses are not subject to the election spending limits (Annex C, clause 8).	Personal expenses are excluded from the election spending limits (rec. 2.6.1(10); clause 371(2)).

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<p>normally provides such care; (d) in the case of a candidate who has a disability, additional personal expenses that are related to the disability (s. 409(1)).</p> <p>The CEO may establish categories of personal expenses and fix maximum amounts that may be incurred for expenses in each category (s. 409(2)).</p>				
<p>A candidate must, within three months after polling day, send to his or her official agent a written statement that sets out the amount and details of any personal expenses, or declares that he or she did not pay for any personal expenses (s. 456(1)).</p>	<p>Require candidates to submit a statement of personal expenses, and that those who incurred none be required to submit a "nil return" (rec. 67).</p>	<p>The Committee agreed (21.6).</p>		<p>A candidate must send a personal expenses report to the agent (clause 390).</p>
<p>A candidate must, with his or her statement of personal expenses, include documentation of their payment (s. 456(1)).</p>	<p>Require candidates to submit supporting vouchers for personal expenses (rec. 68).</p>	<p>The Committee supported it (14.3).</p>		<p>Personal expenses should be reported in the form established by the Elections Commission and include the details of such expenses (clause 390(3)).</p>
<p>Volunteer Labour</p>				
<p>Volunteer labour means any service provided free of charge by a person outside their working hours, but does not include such a service provided by a person who is self-employed if the service is one that is normally charged for by that person (s. 2(1)).</p>	<p>Define volunteer labour as: the work provided at no cost and for which the individual providing the work does not receive pay from any source for the hours volunteered (rec. 72).</p>	<p>The Committee agreed that matter should be simplified by providing a straightforward definition of volunteer labour. It supported the proposal that it be defined as work provided at no cost, for which the individual providing the work does not receive pay from any source for the hours volunteered.</p> <p>Members agreed that employers should not be allowed to supply their employees to work on</p>		<p>Volunteer labour: any labour provided by an individual for which no remuneration or direct material benefit is received, either during an election or otherwise, but does not include a self-employed person, or a person whose services are made available by an employer (rec. 2.6.4; clause 352).</p>

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		election campaigns while on their employers' payroll, but they wanted to ensure that there is nothing to prevent an employee from taking paid leave (such as holidays) and to use the time to volunteer on campaigns. Members also expressed dissatisfaction with the current distinction that is drawn between people who do something for a living and those who do it as a hobby (14.6).		
<p>For a general election, the registered party's return must specifically set out the non-monetary contributions. However, volunteer labour is excluded from the definition of non-monetary contributions (s. 429(2), 2(1)).</p> <p>The candidate's return must set out the contributions which includes monetary and non-monetary contributions (s. 451, 2(1)).</p>	<p>Require candidates and registered political parties to submit a report including the name, profession or occupation and number of hours of volunteer work of any individual who volunteers for more than 40 hours during an electoral period (rec. 73).</p>	<p>The Committee rejected this proposal as unnecessary and unworkable (21.10).</p>	<p>Services provided by a volunteer are considered to have nil value (Annex B, clause 4).</p>	
Contributions				
<p>Contribution means a monetary contribution, that is an amount of money provided that is not repayable, or a non-monetary contribution, that is the commercial value of a service, other than volunteer labour, or of property or of the use of property or money to the extent that they are provided without charge or at less than their commercial value (s. 2(1)).</p>	<p>Define contribution as: any money provided that is not repayable, and the commercial value of goods or services provided by way of a donation, advance, deposit, discount or otherwise of any tangible personal property or of services of any description, whether industrial, trade, professional, or otherwise, excluding volunteer labour (rec.</p>	<p>Members agreed that this should be clarified. However, they pointed out that they disagree with the current requirement that they keep records of donations of food, particularly where these are home-cooked or prepared (14.7).</p>	<p>Define contribution as: the amount of any money or the value of any property or services provided by way of donations, advance, deposit, discount, or otherwise, to either a registered party or a candidate, except a loan (Annex B, clause 4).</p>	<p>Contribution: contribution by way of donation, advance, deposit, discount or otherwise of any tangible personal property, except money, or of services of any description, whether industrial, trade, professional or otherwise. (Specific exclusions are provided) (rec. 2.6.3; clause 354-359).</p>

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<p>An unpaid claim that, on the day that is 18 months after polling day for the election to which the return relates, remains unpaid, in whole or in part, is, on that day, deemed to be a contribution of the unpaid amount to the candidate (s. 450(1)).</p>	<p>74). Consider a campaign debt reported in the election expenses return as an unpaid claim, which remains outstanding six months after the date on which the return was due, a contribution (rec. 75).</p>	<p>Members supported the principle of this. It was suggested, however, that provision be made to allow creditors to indicate that they are not waiving their claim, without having to commence legal action. Similarly, it should be clear that this provision would not apply to claims that are disputed by the campaign (17.6).</p>	<p>A loan must not be considered to be a contribution unless it is forgiven or written off (Annex B, clause 4).</p>	<p>Any debt that remains unpaid for six months or more after becoming due must be considered to be a political contribution unless the creditor has commenced legal proceedings to recover the debt (clause 358).</p>
	<p>Require members of Parliament to disclose any contributions received between elections (rec. 58).</p>	<p>Members were not convinced that this is a practical problem. Members agreed with a suggestion from Marlene Catterall, MP, that in considering amendments to the definitions of contributions and election expenses, it should be clear in the <i>Canada Elections Act</i> that the identity of the original donors must be disclosed, regardless of how the money flows to the campaign (21.9).</p>	<p>Independent candidates should issue annual financial statements for contributions made during a fiscal year but not during an election (Annex E, clause 1).</p>	<p>Require members of Parliament to disclose contributions (rec. 1.7.8).</p>
	<p>Provide for the retroactive issuance of receipts for contributions to a registered party, local association, or candidate during the election period prior to the official registration or nomination (rec. 103).</p>	<p>The Committee endorsed it (17.4).</p>		
<p>The registered party's financial report and the candidate's electoral campaign return must set out a statement of contributions received but returned to the contributor or otherwise dealt with in accordance with the Act (s. 424(2)(k), 451(2)(k)).</p>	<p>No registered party or candidate should be permitted to return to the donor, either directly or indirectly, any portion of a contribution which was made in conformity with the law (rec. 104).</p>	<p>The Committee agreed, provided that it is clear that a candidate is not required to accept every donation and has the right to return a donation if it is inadvertently accepted. It was suggested, for instance, that the issuance of a tax</p>		

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		receipt could be incorporated as the triggering mechanism for this provision (17.5).		
Commercial Value				
Commercial value, in relation to property or a service, means the lowest amount charged at the time that it was provided for the same kind and quantity of property or service or for the same usage of property or money (s. 2(1)).	Define commercial value as: the lowest amount charged for an equivalent amount of the same goods or services in the market area at the relevant time, excluding volunteer labour (rec. 71).	The Committee supported the need for a clear and concise definition (14.5).	Define commercial value as: the lowest price charged for an equivalent amount of the same property or services in the market area at the relevant time (Annex B, clause 4).	Commercial value: lowest price charged for an equivalent amount of the same goods or services in the market area at the relevant time (rec. 2.6.5; clause 351(3)).
Fund-raising Activities				
If a fund-raising activity is held for the primary purpose of soliciting a monetary contribution by way of selling a ticket, the amount of a monetary contribution received is the difference between the price of the ticket and the fair market value of what the ticket entitles the bearer to obtain (s. 408).	Define fund-raising function as: an event or activity held for the principal purpose of raising funds for a registered political party, and (or) a candidate by whom or on whose behalf the function is held, not including any routine administrative or social meeting or any method of soliciting funds other than by means of a ticketed event (rec. 69).	Members were in general agreement with this approach, but there was concern about the treatment of promotional and advertising expenses for fund-raising events (14.4).		
Expenses for a fund-raising activity are not election expenses, except those expenses related to the production of advertising or promotional material and its distribution, broadcast or publication in any media or by other means (s. 407(2)-(3)).	Exclude the costs associated with the conduct of a fund-raising function, except for the cost of advertising, from election expenses (rec. 70).	Members were concerned about the treatment of promotional and advertising expenses for fund-raising events. Members were not reassured by the fact that it might be possible to distinguish advertising based on who it is directed to (14.4).	Expenses incurred for the purpose of holding a fund-raising event not to be subject to the limits, if no deficit incurred (Annex B, clause 4).	Exclude the expenses incurred in holding a fund-raising function from the election expenses limits, except if a deficit is incurred (rec. 2.6.1(3); clause 371(1)).
Reports of Candidates and Political Parties – Contents				
Registered political parties would be	Require political parties to provide	There was general support for it in	Require registered party to	Registered political party must

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required to provide more detailed financial statements in accordance with general accounting principles (see s. 424).	more detailed financial statements (rec. 77).	the interests of transparency and accountability. Concerns were expressed about the reference to "generally accepted accounting principles", and the existence of local associations. Subject to this issue being clarified, members agreed with the proposal (21.1).	transmit a fiscal period return and an election return substantially in a form prescribed by the CEO (Annex C, clause 1, 2).	submit financial statements prepared and audited according to generally accepted accounting principles (rec. 1.7.5; clause 399, 403(2)).
The fiscal period return must set out the name and address of each contributor who contributed more than \$200. Contributions must be reported according to the following categories: individuals, businesses, commercial organizations, governments, trade unions, corporations without share capital, and unincorporated organizations or associations (s. 424(2)).	Political parties to identify donors by name, address, and a unique identifier such as their date of birth, and that the categories of donors to be broadened (rec. 78).	Members were opposed to having a "unique identifier", arguing that the names and addresses of donors were sufficient. With respect to the proposed broadening of the categories of donors, members felt that this is unnecessary, as the information is already available from other sources (21.5).	Identify donors by name of electoral district and report contributions by: individuals, businesses, commercial organizations, governments, trade unions, registered parties, local associations, political organizations (Annex C, clause 1(2)).	Political parties must report contributions by: individuals, corporations, unincorporated organizations, trade unions, non-profit organizations, and other contributors (rec. 2.6.12; clause 380(2)). Contributor's full address and date of the contribution are required (rec. 1.7.3; clause 380).
The fiscal period return must set out a statement of the registered party's assets and liabilities (s. 424(2)(f)).	Require a registered political party to submit a statement of the fair market value of its assets (rec. 52).			An annual return must be filed with the Elections Commission, including such other return as the Elections Commission may require (clause 60).
Candidate's return must set out the name and address of each contributor who contributed more than \$200. Contributions must be reported according to the following categories: individuals, businesses, commercial organizations, governments, trade unions, corporations without share capital, and unincorporated organizations or associations (s. 451(2)(f), 451(2)(h)).	Require candidates to identify donors by name, address, and a unique identifier such as their date of birth. Make the categories of donors the same as for parties (rec. 79).	Members were opposed to having a "unique identifier", arguing that the names and addresses of donors were sufficient. With respect to the proposed broadening of the categories of donors, members felt that this is unnecessary, as the information is already available from other sources (21.5).	Identify donors by name of electoral district and report contributions by: individuals, businesses, commercial organizations, governments, trade unions, registered parties, local associations, political organizations (Annex C, clause 4).	Candidates must report by: individuals, corporations, unincorporated organizations, trade unions, non-profit organizations, and other contributors (rec. 2.6.12; clause 380(2)). Contributor's full address and date of the contribution are required (rec. 1.7.3; clause 380).
All donors contributing more than \$200 will be identified by name and	Raise the threshold amount for the disclosure of the name and	There was general support of the Committee for this change (25.1).	Raise the threshold to \$250 (Annex C, clauses 1, 4, 6).	The threshold be increased to \$250 (rec. 1.7.4).

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address (s. 424(2)(c), 451(2)(h)).	address of a contributor to \$250 (rec. 87).			
The registered party's fiscal return must set out a return for election expenses incurred for each by-election during the fiscal period (s. 424(2)(j)).	Require each party to submit separate and detailed financial statements for by-elections within four months after polling day (rec. 83).	The Committee agreed (21.4).	Require political parties to submit a return following a by-election. If more than one by-election, returns may be consolidated in a single return (Annex C, clause 2).	Require political parties to submit a return within three months of a by-election. If more than one by-election, parties may submit a single return (rec. 2.6.20).
	Require each candidate to submit a report on nomination contributions and expenses, and a report of contributions received between the date of nomination by a party and the date of the official nomination at an election along with the election expenses return (rec. 95).	In the case of contributions prior to the official nomination, members felt that as they are usually made to the riding association, there is already a public record. The majority of the members of the Committee were opposed to both the report on nomination contributions and expenses, and the report on contributions received between the party nomination date and the official nomination date (21.11).		Expenses of any person seeking nomination would not exceed 10% of the limit for a candidate's election expenses (rec. 1.6.9; clauses 373-375).
Reports of Candidates and Political Parties – Submission				
The candidate's return must be submitted within four months after polling day (s. 451(4)). The fiscal return and the registered party's election return must be submitted within six months after the end of the fiscal period (s. 424(4), 429(3)).	Require political parties, candidates, and registered agents to submit their returns within four months of polling day, and that all annual fiscal period returns be required within four months of the end of the fiscal period (rec. 81).	There was no consensus on this issue. The New Democratic Party is opposed to this proposal, on the basis that the candidate returns are often required before the party can finalize its own returns. It was also suggested that, as an alternative, both candidates and parties could be given a deadline of six months (21.3).		Require political parties and candidates to submit their returns no later than three months after the end of the reporting period or the election (rec. 1.7.2; clauses 392(1), 395(1), 396(1), 397(3)).
On the written application of the chief agent or the leader of a registered				

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party, as the case may be, the CEO may authorize an extension of the six-month period to submit the party's returns, or that a correction be made to them (s. 433(1)).				
The official agent must provide the CEO with a return on financing and expenses for the candidate's electoral campaign (s. 451(1)).				The financial agent of a candidate must file an election return with the Elections Commission (clause 396(1)).
	Allow the CEO to develop a short-form report for a candidate whose expenses are below 10% of the limit (rec. 80).	The Committee agreed (21.2).	CEO to authorize short-form return for candidates whose income and expenses are both less than \$5,000. CEO has discretion to order a full return to be filed (Annex C, clause 5).	Financial agent may file a condensed return, as prescribed by the Elections Commission, where the income and expenses are both less than \$5,000 (rec. 2.6.15, clause 401).
	Allow the electronic submission of all the financial returns required under the Act (rec. 86).	The Committee agreed (20.3).		The Elections Commission to implement procedures for computerized filing of financial returns (rec. 1.7.6).
Reports of Candidates and Political Parties – Audit				
Clarifies existing procedures and provides for an audit checklist for candidates (s. 451-463).	Simplify the auditing and verification procedures, and require supporting vouchers (rec. 84).	The Committee agreed (20.1).	Each return must include bills and vouchers (Annex C, clause 6).	Financial statement to be prepared according to generally accepted auditing standards (rec. 1.7.5).
The auditor's report must include a completed checklist for audits in the prescribed form (s. 453(2)).	Establish a new audit certificate, and require the auditor to complete and sign a checklist (rec. 85).	There was general support for this proposal (20.2).		The auditor must conduct the audit in accordance with generally accepted auditing standards and according to the guidelines issued by the Elections Commission (rec. 1.7.5, 2.6.15; clauses 399, 403(2)).
The CEO may make a correction in a candidate's electoral campaign return or in the registered party's returns, if the correction does not materially affect its substance (s. 457).				

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A payment of \$50 or more made on behalf of a registered party or a candidate must be documented by an invoice. A payment of less than \$50 must be documented by a statement that indicates the nature of the payment (s. 410).	Raise the limit for the presentation of vouchers to \$50 (rec. 88).			
The Receiver General must pay to the auditor the amount that he or she billed to the candidate for audit fees, up to the lesser of 3% of the candidate's election expenses and \$1,500, but in no case must that amount be less than \$250 (s. 467).	Review the amount of auditor's fees (rec. 89).		The auditor be paid \$1,000 or the amount of the auditor's account, whichever is less (Annex B, clause 11).	The auditor be paid \$1,000 or the amount of the auditor's account, whichever is less (rec. 2.6.19; clause 406(2)).
Reports of Candidates and Political Parties – Publication				
Within a year after the issue of a writ of election, the CEO must, in a manner that he considers appropriate, publish the electoral campaign returns and the returns for general election expenses of candidates and registered parties (s. 412(1)), and as soon as practicable after their receipt, the updated returns as well as the returns on financial transactions of registered parties and suspended parties (s. 412(2), (4)).	Provide for the publication of the report on the contributions and expenses of registered political parties and candidates within 12 months of the return of the writs for an election (rec. 119).	There was agreement with this on the part of the recognized parties (26.19).		The Elections Commission must develop and publish, annually and after every general election, an analysis and summary of party and election finance information and include contextual information in publications to enhance their utility to users (rec. 1.7.7; clause 424(1)).
As soon as is practicable after receiving candidates' electoral campaign returns, the CEO must publish a summary report in the manner that he considers appropriate (s. 412(3)).	CEO to determine the method(s) to be used for distributing or publicizing the content of the returns referred to in section 235 (rec. 120).	The recognized parties agreed with this. The Committee noted that this proposal is consistent with provisions contained in Bill C-69, which was drafted by the Committee during the 35th Parliament. Members, however, felt that		The Elections Commission must publish a summary of the income and expenses of each candidate in at least one newspaper having a general circulation in the constituency or in at least one newspaper for each official language if the constituency is one in which bilingual services were

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		provision should be made to ensure that all of the candidates and parties receive copies of this information if it is not published in newspapers. It was suggested Elections Canada explore the use of the Internet to make this information available (26.20).		provided during the election (clause 424(2)).
Reimbursement of Election Expenses				
<p>Political parties may be reimbursed 22.5% of their paid election expenses (s. 435).</p> <p>The amount to be reimbursed to a candidate is the lesser of the difference between 50% of the sum of the candidate's paid election expenses and paid personal expenses less the partial reimbursement, and 50% of the election expenses limit (s. 465(2)).</p>	<p>Reimbursement of not more than 50% of the applicable spending limit to be available to: each party which receives either 2% of the national vote or 5% of the vote in those electoral districts where candidates which it endorsed were nominated; as well as to each candidate who receives 15% of the valid votes in the electoral district (rec. 96).</p> <p>NOTE: This recommendation was partly implemented (2% vs 5%), see section 322 as amended by S.C. 1996, c. 26.</p>	<p>Most members agreed that candidates and parties be reimbursed at the same level, and, further, that 50% would seem to be a good level.</p> <p>According to the Committee, this issue will obviously require further study, including an assessment of the financial implications (23.4).</p>	<p>That a registered political party with direct spending of more than 10% of its direct election expenses limit be reimbursed 25% of its election expenses.</p> <p>Candidates who receive at least 15% of the valid votes cast be reimbursed 50% of the actual direct election expenses that have been paid (Annex B, clause 9, 10, 12).</p>	<p>That registered political parties that receive at least 1% of all the valid votes cast be reimbursed \$0.60 for each vote received but that no party be reimbursed an amount greater than 50% of its election expenses (rec. 1.6.11).</p> <p>Candidates who receive 1% of the valid votes in a constituency be reimbursed \$1.00 for each vote received, but that no candidate be reimbursed an amount greater than 50% of his or her election expenses (rec. 1.6.11).</p>
	The reimbursement of election expenses for both parties and candidates be an amount per vote that in total would not exceed the total amount of reimbursements paid to parties and candidates at the 1993 general election (rec. 97).	There was no support among members for the proposal that the basis for reimbursement be on the basis of the votes obtained (23.3).		
	A registered political party to be eligible for a reimbursement of by-election expenses if its	The Committee agreed that parties should be reimbursed for their expenses in by-elections on the		

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	candidate(s) obtain 5% of the valid votes cast in each electoral district where a by-election is held (rec. 98).	same basis as in general elections. The Committee noted that this proposal would be consistent with the amendment brought by Bill C-243 during the 35th Parliament (23.6).		
Political parties may be reimbursed 22.5% of their paid election expenses (s. 435).	The reimbursement to registered political parties to be made on the basis of paid election expenses, and be conditional on the filing of all required election expenses and fiscal period returns (rec. 99).	While there was general agreement with the fact that the reimbursement should be contingent upon the submission of all expenses and the annual fiscal returns, concerns were expressed, particularly by the NDP, that the reimbursement be restricted to paid election expenses. A majority of the members supported this recommendation (23.2).	The reimbursement to political parties would be dependent upon receipt of the election expenses return and the auditor's report (Annex B, clause 12).	A registered party is not entitled to a reimbursement if the party's return is not filed in accordance with the statutory provisions (clause 411).
Tax Credits				
There may be deducted from the tax otherwise payable by a taxpayer, 75% of the total, if the total does not exceed \$200 (s. 560(3)).		On the recommendation put forward by John Harvard, MP, that the tax credit for small donations be increased to encourage public participation, the Committee agreed in principle (25.2).	There may be deducted from the tax 75% of the aggregate if the aggregate does not exceed 100% (Annex E, clause 2).	There may be deducted from the tax 75% of the aggregate if the aggregate does not exceed \$100 (clause 590).
Broadcasting Time				
Provisions not part of the Bill.	Repeal s. 319(c) and 320 (rec. 90).		S. 319(c) and 320 be maintained; unlike the current provisions, which both refer to "a registered party or political party", these two sections would only apply to registered political parties (Annex A, clause 16-17).	That an offence be provided for the provision of free broadcasting time in excess of the time required by the allocation (clause 541).
Allocation of paid time to registered parties (s. 335(1)).	Allocate paid time to parties which have been accepted for registration (1997).	While members understood the problem encountered by new registered parties, they were not convinced that the proposed	Each registered party would be entitled to purchase broadcasting time (Annex A, clause 12).	Allocation of paid time to registered parties (rec. 1.6.15).

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		solutions are satisfactory (7.1).		
The broadcasting time is reallocated when there is a merged party or that a party has been suspended (s. 338(2), 340).				
The Bill refers to “a rate that exceeds the lowest rate charged” (s. 348).	Clarify the wording of paragraph 321(a), regarding current rate card practices (1997).	Members unanimously agreed (7.2).	Refers to “a rate that exceeds the lowest rate charged” (Annex A, clause 18).	Refers to “a rate that does not exceed the lowest rate charged” (rec. 1.6.18).
Network means a network as defined in s. 2(1) of the <i>Broadcasting Act</i> , but does not include a temporary network operation (s. 319).	Extend the term “network” to independent television stations (1997).	There was general agreement among the members (7.3).		
Advertising				
<p>No person must knowingly conduct election advertising on polling day until the close of all polling stations (s. 323(1)).</p> <p>This provision does not apply in respect of the transmission, before the blackout period, of a message that was previously transmitted to the public on what is commonly known as the Internet and that was not changed during that period; or the distribution during that period of pamphlets or the posting of messages on billboards, posters or banners (s. 324).</p>	Rectify the anomaly created by <i>Somerville</i> (1997).	<p>All the political parties that appeared before the Committee agreed that this confusion had to be resolved.</p> <p>Members agreed that if opinion polls should also be allowed, then, in fairness, party advertising should also be permitted.</p> <p>There was a unanimous feeling on the part of the members that both advertising and opinion polls should be prohibited on polling day itself. Members agreed that the blackout provisions at the beginning of the electoral campaign are no longer required (19.1).</p>		That the current end-of-campaign blackout provisions in the <i>Canada Elections Act</i> remain (rec. 1.7.19).
No landlord may prohibit a tenant from displaying election advertising posters on the premises to which the lease relates and no condominium corporation may prohibit an owner		While there was general support for this, concerns were expressed that it not be phrased too broadly. For instance, it was pointed out that there are differences between		

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from doing so on the premises of his or her unit. Reasonable conditions relating to the size or type of election advertising posters may be set (s. 322(1)-(2)).		prohibitions and restrictions, and that some rules might be reasonable, such as restrictions on the size or placement of signs (5.4).		
<p>A candidate, registered party or person acting on their behalf who causes any election advertising must mention in or on the message that its transmission was authorized by the official agent or the registered agent (s. 320).</p> <p>A third party must identify itself in any election advertising placed by it and indicate that it has authorized the advertising (s. 352).</p>		Following comments from Ken Epp, MP, members agreed that section 261 should be changed, and that it would be sufficient if the material merely indicated that it was authorized by the registered agent of the party or the official agent of the candidate, rather than giving his or her name (16.9).	<p>All advertising that promotes or opposes the election of a registered party or candidate and is broadcast during an election by or on behalf of a registered party or candidate must indicate that it was authorized by the registered agent or the official agent (Annex A, clause 2(1)).</p> <p>Every person who publishes, broadcasts or disseminates information on public policy issues must identify the sponsor and indicate that it was authorized by the sponsor (Annex A, clause 2(2)).</p>	Every printed advertisement, handbill, placard or poster related to an election that is published, displayed or distributed during an election indicate the name of its sponsor (rec. 2.6.10).
« Internet » is covered in the definition of « election advertising » (s. 319) and of « election advertising expenses » (art. 349).				
Opinion Polls				
	Require the media to give equal treatment to the frequencies obtained from a sample survey prior to the allocation of undecided and other respondents, and to any projection based upon the data (rec. 91).			
Disclosure of methodological information required when first published or broadcast within 24	When first released by the media, an opinion survey be reported along with an explanation of the		When first broadcast or published, an opinion survey be reported along with the name of the	When first published or announced by any news organization, an opinion poll be

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hours after the results are first transmitted to the public: name of survey sponsor, name of the person or organization that conducted the survey, the date on which the survey was conducted, the population from which the sample was drawn, the number of people contacted, the margin of error. In addition, publishers must provide the wording of the question (s. 326(1)-(2)).	methodology used, including the name(s) of the sponsor(s) of the poll, the name of the opinion research firm, the size of the sample(s) for the survey, the wording of the question utilized concerning voter's intentions, the margin of error, and the dates when the survey was conducted (rec. 92).		organization who conducted it; the sponsor; the dates when conducted; the method used; the population of the survey; the number of refusals; the margin error; the exact wording of the question(s); the size of sub-samples (Annex A, clause 19).	reported along with the name of polling organization; the sponsor; the dates when conducted; the method of collection; the population; the number of respondents; the refusal rate; the margin of error; the exact wording of question(s); the size of sub-samples (rec. 1.7.15, clause 317(1)).
The sponsor is required to provide, on request, a copy of a written report on the results of the survey, at a charge, if any, not exceeding \$0.25 per page (326(3), (4)).	Require the sponsor of an opinion poll published during an electoral event to provide to any person, on request and at a reasonable cost, a detailed report of the results and methodology (rec. 93).		A report be made available within 24 hours of the broadcast, publication or dissemination (Annex B, clause 19).	A report be made available within 24 hours of the broadcast, publication or dissemination (rec. 1.7.16; clause 317(2)).
No person, on polling day until the close of all polling stations, must knowingly cause of an election survey to be transmitted to the public or transmit to the public the results of an election survey (s. 328).		There was a unanimous feeling on the part of the members that both advertising and opinion polls should be prohibited on polling day itself (19.1).		The publication or announcement of opinion polls be prohibited from midnight the day preceding election day until the close of all polls on election day (rec. 1.7.14).
Premature Transmission				
No person must transmit, to the public in an electoral district in which polls remain open, the result or purported result of the vote in another electoral district (s. 329).				
Election Officers				
A person who was a candidate at the last general election or at a by-election held since the last general election cannot be appointed as an election officer (s. 22(3)(d.1)).				
The Governor in Council must	CEO to appoint the returning	The members of the Committee		Governor in Council to appoint

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appoint returning officers (s. 24(1)).	officers through a formal competition (rec. 105).	<p>belonging to the Reform Party of Canada, the Bloc Québécois, the New Democratic Party and the Progressive Conservative Party of Canada agreed with this recommendation.</p> <p>The Liberal Party of Canada's position was that generally the competence level of returning officers appointed under the existing system is high. Moreover, it is vitally important that those appointed as returning officers should be familiar with the political process at the constituency level, rather than being technocrats (1.1, 1.3).</p>		ROs. The Elections Commission be authorized to make an appointment if position not filled within 90 days (rec. 2.3.6; clauses 469-475).
Where political parties have not made their recommendations or have not recommended a sufficient number of suitable persons, the RO must solicit names from other sources (s. 33(1) – revising officers) or proceed to appoint the DRO and poll clerks (s. 36).	Allow parties one opportunity to submit names for appointment of election officers (rec. 106).	All of the recognized parties except the New Democratic Party supported this proposal. John Solomon, MP, said that the NDP believes that competence rather than age should be the test, and that the parties are best able to determine who should represent them (26.14).		RO to appoint DRO and poll clerks if candidates have not nominated enough qualified persons to fill the positions by two weeks before election day (rec. 2.3.7; clauses 212-213).
A representative of a candidate who is present at a polling station is not an election officer (s. 22(2)).	Exclude candidates' agents from the definition of election officers (rec. 107).	The Committee agreed that this is a technical change, and that the clarification is desirable (16.5).		Candidates' agents are not included in the definition of "Election officer" nor in the definition of "Election official" (clause 3(1)).
	Extend coverage of the <i>Government Employees Compensation Act</i> to all election officers (rec. 108).	The recognized parties agreed (26.27).		
		The Reform Party of Canada recommended that the legal		

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		penalties for returning officers, deputy returning officers and poll clerks, should they be found guilty of serious election violations, be reviewed to ensure they are a sufficient deterrent. The Committee agreed (10.5).		
Powers Under the Act				
On the recommendation of the Chief Electoral Officer, the Governor in Council may make a tariff fixing or providing for the determination of fees, costs, allowances and expenses to be paid to election officers (542(1)).	CEO to determine the amount of fees, costs, allowances and expenses of election officers (rec. 109).	The Committee agreed (24.1).		The Elections Commission may by regulation establish the tariff of fees and allowances (clauses 495, 497).
All claims must be paid by separate cheques issued from the office of the Receiver General and sent directly to each person who is entitled to payment (s. 543).	CEO to be made responsible for ensuring the payment of all claims relating to the conduct of an election in a manner acceptable to the Receiver General (rec. 110).	The Committee agreed (24.3).		CEO must tax all accounts relating to an election and transmit them to the Receiver General (clause 499).
Every returning officer is responsible for maintaining order in his or her office. DRO and central poll supervisor are responsible for maintaining order during voting hours (s. 479(1)).	Repeal section 151 that grants the power appertaining to a justice of the peace to election officers (rec. 111).	There was no consensus on this issue. While the Bloc Québécois supported it, the Liberal Party of Canada and Progressive Conservative Party of Canada opposed it, and the Reform Party of Canada and the New Democratic Party took no position (26.22).		Every election official at a poll is a peace officer (clause 216).
Office of the Chief Electoral Officer				
The Governor in Council appoints the Assistant Chief Electoral Officer (s. 19(1)).	Select the Assistant Chief Electoral Officer through the Public Service (rec. 112).	There was no consensus (1.4).		The Deputy CEO be appointed by the Elections Commission (rec. 1.7.27, clause 462).
The CEO may carry out studies on	Allow CEO to test new electoral	While there was a willingness on		

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alternative voting means, and devise and test an electronic voting process for future use in a general election or by-election. Such a process may not be used for an official vote without the prior approval of the committee of the House of Commons that normally considers electoral matters (s. 18.1).	procedures, after consultation with the Committee of the House of Commons responsible for electoral matters (rec. 113).	the part of members of the Committee for Elections Canada to investigate new electoral procedures, including the use of new technologies, there was also a strong feeling that this must be done in close co-operation with the House of Commons. Members had some concerns about such a provision, although Chuck Strahl, MP, felt that some members were being far too cautious (11.6).		
	Remove the right to strike for employees of the Office of the Chief Electoral Officer (rec. 114).	Concerns were expressed about implications under the <i>Canadian Charter of Rights and Freedoms</i> of the removal of the right to strike, and alternatives such as binding arbitration suggested. The members were divided (1.5).		That the <i>Public Service Staff Relations Act</i> be amended to allow for the designation of all staff of the Elections Commission as excluded from the right to strike (rec. 1.7.37).
	Fund all activities and staff of the Office of the CEO under the Statutory Authority (rec. 115).	The Reform Party of Canada, Bloc Québécois and Progressive Conservative Party of Canada indicated support. The New Democratic Party opposed this change, and the Liberal Party of Canada indicated that it was adamantly against it (26.23).		That the Elections Commission's non-statutory budget estimates continue to be subject to Treasury Board approval prior to being submitted to Parliament (rec. 1.7.34).
CEO's Reports				
CEO must make a report to the Speaker within ninety days following the return of the writs in the case of a general election (s. 534). CEO must, as soon as possible after a general election, make a report to the Speaker of the House of Commons that sets out any amendments that, in his opinion, are	CEO to report within ninety days after the return of the writs, with the exception of the amendments which would be published as soon as possible after an electoral event (rec. 116).	The parties were in agreement (26.16).		The Elections Commission tables an annual report to the Speaker no later than the 90th day after the end of the year (clause 457).

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desirable for the better administration of the Act (s. 535).				
CEO must, in the case of a general election, without delay, and, in the case of a by-election, within 90 days after the return of the writ, publish election results by polling division (s. 533).	Allow the CEO to publish the administrative report and the poll-by-poll results from a by-election together or separately. In either case, the administrative report would be published within ninety days of the return of the writs for the by-election (rec. 117).	All the recognized parties agreed (26.17).		The Elections Commission tables an annual report to the Speaker no later than the 90th day after the end of the year (clause 457).
	Allow the CEO to submit a report to Parliament on the activities of the Office (rec. 118).	All of the recognized parties, except the Liberal Party of Canada, endorsed it. It was suggested that the CEO could always bring something to the attention of the House of Commons through the Standing Committee on Procedure and House Affairs, which has responsibility for electoral matters (26.18).		The Elections Commission tables an annual report to the Speaker no later than the 90th day after the end of the year (clause 457).
Enforcement				
Commissioner will be empowered to seek an injunction during the election and enter into compliance agreements (s. 516, 517).	Empower the Commissioner of Canada Elections to enter into compliance agreements and to issue compliance orders (rec. 121).	Members were in agreement (10.1).	The Commission be permitted to offer to enter into voluntary compliance agreements (Annex F).	The Elections Commission be constituted as an administrative tribunal (rec. 1.7.29).
The <i>Corrupt Practices Inquiries Act</i> and the <i>Disfranchising Act</i> are repealed (s. 574, 575).	Repeal the <i>Corrupt Practices Inquiries Act</i> and the <i>Disfranchising Act</i> (rec. 122).	The Committee agreed (10.2).	Repeal the <i>Corrupt Practices Inquiries Act</i> and the <i>Disfranchising Act</i> (Annex F, clause 11).	Repeal the <i>Corrupt Practices Inquiries Act</i> and the <i>Disfranchising Act</i> (clause 585).