



INFORMATION SHEET 11

LEADERSHIP CONTESTS: FINANCIAL REPORTING OBLIGATIONS FOR LEADERSHIP CONTESTANTS

(Revised August 31, 2004)

DISCLAIMER

These information sheets set out Elections Canada's current interpretation of the *Canada Elections Act* and are issued to assist the public in understanding the Act. The views expressed in information sheets are not law and are not intended to replace the official text of the Act. How the Act applies to any particular case will depend on the individual circumstances of that case. Elections Canada reserves the right to reconsider any interpretations expressed in information sheets, either generally or in light of the actual circumstances of any case, and in accordance with continuing legislative and judicial developments.

Types and Timing of Returns

1. A leadership contestant must file six financial returns related to the leadership contest.
2. The first five returns deal with contributions and cover the following periods:
 - 2.1 From the time the first contribution was collected until registration¹
 - 2.1.1 Filed with the application at registration
 - 2.2 From the time the contest was called until the day that is four weeks prior to the end of the contest²
 - 2.2.1 Filed no later than one week after the end of that period
 - 2.3 For each of the next three weeks (i.e. during the four weeks preceding the end of the contest)³
 - 2.3.1 Filed no later than one week after the end of each week for which a return is due
 - 2.4 The last return is a full contributions and expenses return for the contest
 - 2.4.1 Filed six months after the end of the contest⁴

¹ S. 435.06(2)(d). The amendments do not apply to leadership contests that are already underway on January 1, 2004.

However, if the leadership contest is called after January 1, 2004, contributions collected before that date must be included in the statement of contributions made at registration. The fact that the contributions may have been collected before the amendments came into force does not make the reporting obligation retroactive in nature. The obligation to report only arises when the contestant registers (which can only take place after January 1, 2004) and then the obligation is to report contributions that were collected.

² S. 435.31(1), *Canada Elections Act*.

³ S. 435.31(2), *Canada Elections Act*.

⁴ S. 435.3(6), *Canada Elections Act*.

Details of Financial Statement Due on Registration

3. A statement must be filed with the application for registration that sets out:
 - 3.1 the total contributions received by the leadership contestant (other than directed contributions made through the registered party) and the number of contributors; and
 - 3.2 the name and address of each contributor who donated more than \$200 to the contestant, the total amount of the contribution, and the date on which it was received by the contestant⁵

Details of Weekly Returns

4. The weekly returns required during the last four weeks of the contest must set out:
 - 4.1 the total contributions received by the contestant and the number of contributors (including all loans made to the campaign with the relevant interest rates, repayment schedules and the name of the lender)
 - 4.2 the name and address of each contributor who donated more than \$200 to the leadership contestant, the total amount of each such contribution and the date on which it was received
 - 4.3 the name and address of the source of each directed contribution that the contestant received through the registered party, the amount of the contribution to the party, the amount of that contribution that was transferred by the party to the contestant, and the dates on which the party received the contribution and the contestant received the transfer from the party
 - 4.4 a statement of transfers made by the contestant, and

⁵ Ss. 435.06 and 435.3(2)(d) and (e), *Canada Elections Act*.

- 4.5 a statement of contributions received but returned or otherwise dealt with as required by the Act⁶

Details of Final Return

5. The final return must include a full report of contributions and expenses, accompanied by vouchers.
6. If a leadership contestant has accepted contributions or incurred leadership campaign expenses of more than \$5,000 in total, the final return must be accompanied by an auditor's report, prepared in accordance with generally accepted auditing standards.⁷

Example of Required Filing Dates

Contest starts September 8, 2004; selection date is Saturday, October 30, 2004

Registration statement due on registration

First contributions report due by Saturday, October 9, 2004, for period of September 8 to October 2, 2004

Next contributions report due Saturday, October 16, 2004, for period October 3 to 9, 2004

Next contributions report due Saturday, October 23, 2004, for period October 10 to 16, 2004

Next contributions report due Saturday, October 30, 2004, for period October 17 to 23, 2004

Selection date: October 30, 2004

Final full report due April 30, 2005

⁶ S. 435.31, *Canada Elections Act*.

⁷ S. 435.33, *Canada Elections Act*.