



## **INFORMATION SHEET 17**

### **NOMINATION CONTESTS:**

#### **REPORTING OF COMPLETED NOMINATION CONTESTS BY REGISTERED PARTIES OR REGISTERED ELECTORAL DISTRICT ASSOCIATIONS**

**(Revised April 26, 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.

1. Unlike the case of a leadership contest, there is no obligation in the *Canada Elections Act* (CEA) to report the holding of a nomination contest before it has been completed.
2. After a nomination contest has been held a report respecting that competition must be made to the Chief Electoral Officer:
  - 2.1 A registered electoral district association must report a contest it has held; (s. 478.02(1) CEA)
  - 2.2 A registered party must report a contest held by itself or any other entity associated with it. (s. 478.02(1) CEA)
3. This report triggers the rights and obligations of a nomination contestant (some of which are retroactive to the date on which the person first accepted a contribution or incurred a nomination campaign expense). (s. 478.03)
4. The report must be filed within 30 days after the selection date. (s. 478.02(1) CEA)
5. The Act does not require the use of a prescribed form. Thus, the report form provided by Elections Canada may be used for the report or the reporting entity may use its own form provided the statutorily required information is included.
6. Pursuant to s. 478.02(1) of the Act the report must set out:
  - 6.1 The names of the electoral district, the registered association (if any), and the registered party that the contest concerns;
    - 6.1.1 When setting out the name of the district indicate whether it is an existing district or a district established by an electoral boundaries representation order which has not yet come into force. This requirement is not express but arises by implication in the period where there may be an overlap respecting electoral districts created by current and pending representation orders.
  - 6.2 The date on which the nomination contest began and the selection date;

- 6.3 The name and address of each nomination contestant as of the selection date and the name and address of his or her financial agent;
  - 6.3.1 Contestants who dropped out of the contest before the selection date do not have to be named in the report.
  - 6.3.2 A nomination contestant may not have appointed a financial agent because the contestant received no contributions, had no transfers and incurred no expenses respecting his or her campaign. (See Information Sheet 18: *Nomination Contests: Obligations of Nomination Contestants*.) In that case the nomination report should note that no agent was appointed.
  - 6.3.3 In order to avoid any uncertainty as to the reason for the absence of a financial agent the nomination contestant should provide the registered party or the registered electoral district association (as the case may be) with a declaration signed by the contestant that the contestant did not appoint a financial agent as the contestant had no contributions, transfers or expenses relating to his or her nomination contest campaign. The party or association should then include that declaration with its nomination contest report.
- 6.4 The name of the winner of the contest.
7. On receipt of the report the Chief Electoral Officer will send a notice to each contestant and publish a public notice of that information. (ss. 478.02(2) and (3) CEA)
8. Failure to provide a report can lead to deregistration. (s. 386(i) CEA respecting registered parties, and s. 403.18(f) for registered associations)
9. Failure to report can also constitute an offence. (ss. 497(1)(z.21) and 497(3)(y) CEA)