



## Written Opinions, Guidelines and Interpretation Notes

### Guideline: 2019-03

### Political Financing Handbook for Nomination Contestants and Financial Agents

### Comments made during consultation period of March 12 to April 25, 2019

Comments received from the Liberal Party of Canada	Elections Canada response to the Liberal Party of Canada
<p>The comments below are in addition to comments provided pertaining to the Candidate Handbook that would apply to this handbook as well.</p> <p>1. Page 17 – Under the box “Dispose of surplus”, or “Close bank account” it would be helpful to include a brief summary of where surplus funds in a nomination contestant’s bank account may be transferred. We acknowledge the “Dispose of surplus” box references Chapter 15, Disposing of Surplus.</p>	<p>The following text has been added: “The surplus must be transferred to the official agent of the candidate endorsed by the registered party in the same electoral district, the registered association that held the nomination contest or the registered party.”</p>
<p>2. Page 20 – In the “DO” table, it would be beneficial to add a bullet to verify the applicable expense limit.</p>	<p>The following text has been added: “Know the nomination contest expenses limit for the electoral district. It is published on the Elections Canada website in the Political Participants section.”</p>
<p>3. Page 20 – Under the second bullet in the “DO” column, perhaps it should more forcefully state an auditor <b>must</b> be appointed as soon as a nomination contestant receives contributions or incurs expenses of \$10,000 or more.</p>	<p>The words “without delay” have been added to the bullet.</p>
<p>4. Page 58 – Should the examples under the category “Nomination contest expenses” clarify that the examples of the flyers/office supplies are for flyers/office supplies utilized/consumed during the contest period?</p>	<p>Office supplies used before the contest period will sometimes be nomination contest expenses (for example, if mailings are prepared in advance but sent during the contest). To keep the chart at the level of an overview, rather than adding details, we have removed the reference to timing for contest expenses. More information is provided in later chapters when discussing a campaign’s typical expenses, including advertising, office expenses and surveys.</p>
<p>5. Page 64 – It would be helpful to state where nomination contestants can find information pertaining to the spending limit on the EC website.</p>	<p>The words “in the Political Participants section” have been added.</p>

<p>6. Page 65 – It might be informational to include the viewership/threshold criteria so contestants can more fully understand when the online registry requirements apply.</p>	<p>As the threshold to be a regulated platform is not straightforward (it differs depending on the platform’s language) and campaigns do not usually have access to a platform’s visitor or user numbers, Elections Canada believes it is easier for campaigns to ask platforms whether or not they are regulated when in doubt.</p>
<p>7. Page 67 – It may be useful to clarify that the requirement to register with the CRTC Voter Contact Registry would only be required if the nomination contest period is during a writ period.</p>	<p>The words “during an election period” have been added in the note about registration.</p>
<p>8. Page 68 – Some may find it helpful if examples of capital assets were provided.</p>	<p>The words “(for example, computers, software, printing equipment and furniture)” have been added at the start of the section, after the definition of a capital asset. Examples on allocating the expense for a capital asset are provided at the end of the section.</p>
<p>9. Page 70 &amp; 71 – While the draft Handbook makes appropriate reference to the <i>Members By-law</i> and OGI 2014-02 <i>The Use of Member of Parliament Resources Outside of an Election Period</i>, it is quite probable that a nomination contestant financial agent may not have access to the <i>Members By-law</i>. There may be merit in mentioning that within the <i>Members By-law</i> it states members of Parliament may not use parliamentary resources for functions that are not parliamentary, and then concluding with guidance that a nomination contest likely falls outside of a member’s parliamentary functions.</p>	<p>A current version of the <i>Members By-law</i> is published on the Parliament of Canada website. A reference to the website has been added so that financial agents can more easily find the by-law and apply it to their situation.</p>
<p>10. Page 73 – In the recent draft Candidate Handbook, EC sets a limit of \$200 for “other personal expenses”, but makes no mention of such in the draft Nomination Contestant Handbook. Is this an oversight? If not, is there a rationale for the different policy perspective between a nomination contestant and a candidate?</p>	<p>The <i>Canada Elections Act</i> does not authorize the Chief Electoral Officer to fix maximum amounts of personal expenses for a nomination contestant. This authority exists only for personal expenses and travel and living expenses of a candidate.</p>
<p>11. Page 74 – Is the following list of personal expenses exhaustive: child care, care for a person with a physical or mental incapacity, expenses related to a disability, and other personal expenses (including the suggested items such as dry cleaning, etc.)? If not, what other types of expenses might fall under the label of personal expenses?</p>	<p>The <i>Canada Elections Act</i> does not define a personal expense, other than by including the three categories of care and disability expenses, and by excluding travel and living expenses and litigation expenses. There is no exhaustive list of what constitutes an “other” personal expense. To be reported as such, it must be a new expense or an increase in a normally incurred expense and be reasonably incurred because of the contest.</p>
<p>12. Page 83 – It might be helpful to state “other nomination campaign expenses” do not count against the nomination contest expenses limit.</p>	<p>This information appears in the first paragraph under “What are “other” nomination campaign expenses?”</p>

Comments received from the Commissioner of Canada Elections	Elections Canada response to the Commissioner of Canada Elections
We are in agreement with the content of the proposed manual.	Elections Canada notes your comment.

The following parties did not submit comments to Elections Canada regarding OGI 2019-03:

- Alliance of the North
- Animal Protection Party of Canada
- Bloc Québécois
- Christian Heritage Party of Canada
- Communist Party of Canada
- Conservative Party of Canada
- Green Party of Canada
- Libertarian Party of Canada
- Marijuana Party
- Marxist-Leninist Party of Canada
- National Citizens Alliance
- New Democratic Party
- People's Party of Canada
- Progressive Canadian Party
- Rhinoceros Party