



## Written Opinions, Guidelines and Interpretation Notes

**Guideline: 2021-05**

**Political Financing Handbook for Electoral District Associations and Financial Agents**

**Comments made during consultation period of June 17 to August 2, 2021**

Comments received from the Liberal Party of Canada	Elections Canada response to the Liberal Party of Canada
<p><b>General comments</b> None</p> <p><b>Specific comments</b> We provide the following specific points for consideration:</p> <ol style="list-style-type: none"> <li>On page 71, in the section “Fundraising during an election period,” new material has been added regarding promotional expenses for an EDA activity during the writ period. As we commented in our reply to the <i>Political Financing Handbook for Candidates and Official Agents</i>, perhaps the note can be expanded by suggesting the EDA should invoice the candidate’s campaign for the promotional costs.</li> </ol>	<p>Reflecting the adjustment in the candidate handbook, the text has been expanded to explain that the association can either invoice the campaign for the promotional expenses or provide a non-monetary transfer.</p>
<ol style="list-style-type: none"> <li>On page 67, in the section, “Incurring election expenses on behalf of the candidate or the party,” two new paragraphs have been added with respect to an EDA renting an office pre-writ. Given the adjustment to the <i>Political Financing Handbook for Candidates and Official Agents</i> following our related comments on the subject matter in that Handbook, the two new paragraphs in this draft Handbook likely require some adjustment.</li> </ol>	<p>The first paragraph has been adjusted to clarify that, if an association purchases or rents property or services before an election is called for future use by a candidate’s campaign, the official agent can agree to incur the related expenses so that the campaign can use the property or services. They can be sold or transferred to the candidate’s campaign.</p> <p>Reflecting the adjustment in the candidate handbook, the second paragraph has been modified to state that the candidate’s campaign must report all of the pre-writ rent as its own expense “either from the date agreed on for the campaign to start using the office or from the date it starts using the office (whichever is earlier)—though only the rent during the election period is an election expense.”</p>

<p>3. On page 78, in the section “Options for submitting reports to Elections Canada,” the chart in the “online” section states “Sign the pages requiring signature and scan the report.” It should be modified to read “Hand sign the pages requiring signature and scan the report.” Also in that same section, the note has been modified to read “Other forms of electronic submission <b>may</b> (<i>bold added for emphasis</i>) not be accepted.” We’re having difficulty assessing exactly what this means—for example, what other forms of electronic submission will be accepted and what other forms will not be accepted. What is the determination of acceptance versus non-acceptance?</p>	<p>Reflecting the adjustment in the candidate handbook, this section has been updated to specify that documents must be signed by hand, other than a campaign return that is signed using digital consent in the Political Entities Service Centre.</p> <p>In terms of acceptable electronic submissions, a political entity must submit its return in the prescribed form. For associations, this is form EC 20081, which is preferably submitted using the Political Entities Service Centre. We also accept PDFs, scans or photographs of the form submitted by email with the required handwritten signatures. Political entities sometimes try to submit returns by leaving them on a third party cloud-based platform for retrieval. There are several challenges with this approach, and it is not accepted. In all cases of non-acceptance, we will advise the political entity of our decision.</p>
<p>4. On page 81, in the new section “Submitting an extension request to a judge,” we replicate our comments made pertaining to the <i>Political Financing Handbook for Candidates and Official Agents</i> that it would be helpful if the relevant court website links were also added. For example, the link for the Superior Court of Justice of Ontario would be <a href="http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/">http://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/</a>. Additionally, the added note of contacting the court registrar may not be ideal as registrars can be difficult to reach, and the use of legal clinics may not be appropriate as they tend to provide services to those with lower incomes and they are unlikely to have familiarity with legal precedents pertaining to <i>Canada Elections Act</i> extensions.</p>	<p>Elections Canada does not include links to external websites in its political financing handbooks since the links may become obsolete without warning and are difficult to update once a document is published.</p> <p>We note your observations about difficulties with accessing services through court registrars and legal clinics. However, these resources are the best we can recommend to political entities that cannot or do not wish to access private legal services.</p>
<p><b>Comments received from the Commissioner of Canada Elections</b></p>	<p><b>Elections Canada response to the Commissioner of Canada Elections</b></p>
<p>We have no comments to provide on the content of the proposed manual.</p>	<p>Elections Canada notes your comment.</p>

The following parties did not submit comments to Elections Canada regarding OGI 2021-05:

- Animal Protection Party of Canada
- Bloc Québécois
- Canada's Fourth Front
- Canadian Nationalist Party
- Christian Heritage Party of Canada
- Communist Party of Canada
- Conservative Party of Canada
- Free Party Canada
- Green Party of Canada
- Libertarian Party of Canada
- Marijuana Party
- Marxist-Leninist Party of Canada
- National Citizens Alliance of Canada
- New Democratic Party
- Parti pour l'Indépendance du Québec
- Parti Rhinocéros Party
- People's Party of Canada
- Veterans Coalition Party of Canada