



**Canada Elections Act ( 2000, c. 9 )**

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Act current to October 2nd, 2008

Attention: See coming into force provision and notes, where applicable.

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## Canada Elections Act

### 2000, c. 9

E-2.01

[Assented to May 31st, 2000]

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

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

#### Short title

1. This Act may be cited as the *Canada Elections Act*.

### INTERPRETATION

#### Definitions

2. (1) The definitions in this subsection apply in this Act. "advance poll"  
« *vote par anticipation* »

"advance poll" means a vote held under Part 10.

"advance polling station"  
« *bureau de vote par anticipation* »

"advance polling station" means a polling station established under subsection 168(3).

"broadcaster"  
« *radiodiffuseur* »

"broadcaster" means a person who is licensed by the Canadian Radio-television and Telecommunications Commission under the *Broadcasting Act* to carry on a programming undertaking.

"broadcasting"  
« *radiodiffusion* »

"broadcasting" means broadcasting, as defined in subsection 2(1) of the *Broadcasting Act*, that is regulated and supervised by the Canadian Radio-television and Telecommunications Commission pursuant to section 5 of that Act.

"Broadcasting Arbitrator"  
« *arbitre* »

"Broadcasting Arbitrator" means the person appointed as Broadcasting Arbitrator under subsection 332(1).

"by-election"  
«*élection partielle* »

"by-election" means an election other than a general election.

"candidate"  
«*candidat* »

"candidate" means a person whose nomination as a candidate at an election has been confirmed under subsection 71(1) and who, or whose official agent, has not complied with sections 451 to 463 and 471 to 475 in respect of that election.

"chief agent"  
«*agent principal* »

"chief agent", in respect of a registered party, means the chief agent named in the application for registration as required by paragraph 366(2)(h).

"close of nominations"  
«*clôture des candidatures* »

"close of nominations" means the deadline for the receipt of nominations set out in subsection 70(2).

"closing day for nominations"  
«*jour de clôture* »

"closing day for nominations" means the day referred to in section 69.

"commercial value"  
«*valeur commerciale* »

"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, by

(a) the person who provided it, if the person is in the business of providing that property or service; or

(b) another person who provides that property or service on a commercial basis in the area where it was provided, if the person who provided the property or service is not in that business.

"Commissioner"  
«*commissaire* »

"Commissioner" means the Commissioner of Canada Elections appointed under section 509.

"common-law partner"  
«*conjoint de fait* »

"common-law partner", in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year.

"contribution"  
«*contribution* »

"contribution" means a monetary contribution or a non-monetary contribution.

"election"  
«*élection* »

"election" means an election of a member to serve in the House of Commons.

"election documents"

«documents électoraux »

"election documents" means the following documents:

- (a) the writ with the return of the election endorsed on it;
- (b) the nomination papers filed by the candidates;
- (c) the reserve supply of undistributed blank ballot papers;
- (d) documents relating to the revision of the lists of electors;
- (e) the statements of the vote from which the validation of results was made; and
- (f) the other returns from the various polling stations enclosed in sealed envelopes, as required by Part 12, and containing
  - (i) a packet of stubs and unused ballot papers,
  - (ii) packets of ballot papers cast for the various candidates,
  - (iii) a packet of spoiled ballot papers,
  - (iv) a packet of rejected ballot papers,
  - (v) a packet containing the list of electors used at the polling station, the written authorizations of candidates' representatives and the used transfer certificates, if any, and
  - (vi) a packet containing the registration certificates.

"election officer"

«fonctionnaire électoral »

"election officer" means a person referred to in subsection 22(1).

"election period"

«période électorale »

"election period" means the period beginning with the issue of the writ and ending on polling day or, where the writ is withdrawn under subsection 59(1) or is deemed to be withdrawn under section 551, on the day that the writ is withdrawn or deemed to be withdrawn.

"elector"

«électeur »

"elector" means a person who is qualified as an elector under section 3.

"electoral district"

«circonscription »

"electoral district" means a place or territorial area that is represented by a member in the House of Commons.

"electoral district agent"

«agent de circonscription »

"electoral district agent" means a person appointed under subsection 403.09(1), and includes the financial agent of a registered association.

"electoral district association"

«association de circonscription »

"electoral district association" means an association of members of a political party in an electoral district.

"eligible party"

«parti admissible »

"eligible party" means a political party that satisfies the criteria set out in section 368.

"judge"  
« *juge* »

"judge" , when used to define the judicial officer on whom is conferred specific powers, means

- (a) in relation to the Province of Ontario, a judge of the Superior Court of Justice;
- (b) in relation to the Province of Quebec, a judge of the Superior Court of Quebec;
- (c) in relation to the Provinces of Nova Scotia and British Columbia, a judge of the Supreme Court of the Province;
- (d) in relation to the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, a judge of the Court of Queen's Bench of the Province;
- (e) in relation to the Provinces of Prince Edward Island and Newfoundland, a judge of the Trial Division of the Supreme Court of the Province;
- (f) in relation to the electoral district of Yukon, a judge of the Supreme Court of Yukon;
- (g) in relation to the electoral district of the Northwest Territories, a judge of the Supreme Court of the Northwest Territories;
- (h) in relation to the electoral district of Nunavut, a judge of the Nunavut Court of Justice; and
- (i) in relation to any place or territory in Canada,
  - (i) if a vacancy exists or arises in the office of any such judge or if such a judge is unable to act by reason of illness or absence from their judicial district, the judge exercising the jurisdiction of that judge,
  - (ii) if there is more than one judge exercising that jurisdiction, the senior of them, and
  - (iii) if no judge is exercising that jurisdiction, a judge designated for the purpose by the Minister of Justice.

"leadership campaign agent"  
« *agent de campagne à la direction* »

"leadership campaign agent" means a person appointed under subsection 435.08(1), and includes the financial agent of a leadership contestant.

"leadership campaign expense"  
« *dépense de campagne à la direction* »

"leadership campaign expense" means an expense reasonably incurred by or on behalf of a leadership contestant during a leadership contest as an incidence of the contest, including a personal expense as defined in section 435.03.

"leadership contest"  
« *course à la direction* »

"leadership contest" means a competition for the selection of the leader of a registered party.

"leadership contestant"  
« *candidat à la direction* »

"leadership contestant" means a person who has been registered in the registry of leadership contestants referred to in section 435.07 and who, or whose financial agent, has not yet complied with sections 435.3 to 435.47 in respect of that leadership contest.

"list of electors"

«*liste électorale* »

"list of electors" means the list showing the surname, given names, civic address and mailing address of every elector in a polling division and the identifier that is assigned to the elector by the Chief Electoral Officer.

"member"  
«*député* »

"member" means a member of the House of Commons.

"Minister"  
«*ministre* »

"Minister" means the member of the Queen's Privy Council for Canada designated by the Governor in Council for the purposes of this Act.

"monetary contribution"  
«*contribution monétaire* »

"monetary contribution" means an amount of money provided that is not repayable.

"nomination campaign expense"  
«*dépense de campagne d'investiture* »

"nomination campaign expense" means an expense reasonably incurred by or on behalf of a nomination contestant during a nomination contest as an incidence of the contest, including a personal expense as defined in section 478.01.

"nomination contest"  
«*course à l'investiture* »

"nomination contest" means a competition for the selection of a person to be proposed to a registered party for its endorsement as its candidate in an electoral district.

"nomination contestant"  
«*candidat à l'investiture* »

"nomination contestant" means a person named as a nomination contestant in a nomination contest report filed in accordance with paragraph 478.02(1)(c) who, or whose financial agent, has not yet complied with sections 478.23 to 478.42 in respect of that nomination contest.

"non-monetary contribution"  
«*contribution non monétaire* »

"non-monetary contribution" means 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.

"oath"  
«*serment* »

"oath" includes a solemn affirmation and a statutory declaration.

"official agent"  
«*agent officiel* »

"official agent" means the official agent appointed by a candidate as required by subsection 83(1).

"official list of electors"  
«*liste électorale officielle* »

"official list of electors" means the list of electors prepared by the returning officer under section 106.

"periodical publication"  
«*publication périodique* »

"periodical publication" means a paper, magazine or periodical that is published periodically or in parts or numbers and that contains public news, intelligence or reports of events, or advertisements.

"personal information"  
« *renseignements personnels* »

"personal information" means personal information as defined in section 3 of the *Privacy Act*.

"political affiliation"  
« *appartenance politique* »

"political affiliation" , in respect of a candidate, means the name of the political party that has endorsed him or her or the word "independent", as the case may be, included in the nomination paper in accordance with subparagraph 66(1)(a)(v).

"political party"  
« *parti politique* »

"political party" means an organization one of whose fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election.

"polling day"  
« *jour du scrutin* »

"polling day" , in relation to an election, means the date fixed under paragraph 57(1.2)(c) for voting at the election.

"polling division"  
« *section de vote* »

"polling division" means a polling division referred to in section 538.

"polling station"  
« *bureau de scrutin* »

"polling station" means a place established under section 120, 122, 125, 205, 206, 207, 253 or 255 for electors to cast their votes.

"preliminary list of electors"  
« *liste électorale préliminaire* »

"preliminary list of electors" means the list of electors prepared by the Chief Electoral Officer under subsection 93(1).

"prescribed"  
« *prescrit* »

"prescribed" , in relation to a form or an oath, means one that is authorized by the Chief Electoral Officer.

"recount"  
« *dépouillement judiciaire* »

"recount" means a recount of votes by a judge under Part 14.

"registered agent"  
« *agent enregistré* »

"registered agent" , in relation to a registered party, means a person referred to in section 375 and includes the chief agent of the registered party.

"registered association"  
« *association enregistrée* »

"registered association" means an electoral district association registered in the registry of electoral district

associations referred to in section 403.08.

"registered party"  
« *parti enregistré* »

"registered party" means a political party that is entered in the registry of parties referred to in section 374 as a registered party.

"Register of Electors"  
« *Registre des électeurs* »

"Register of Electors" means the Register of Electors established under section 44.

"revised list of electors"  
« *liste électorale révisée* »

"revised list of electors" means the list of electors prepared by the returning officer under section 105.

"spoiled"  
« *annulé* »

"spoiled" , in relation to a ballot or a special ballot as defined in section 177, means

(a) one that has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed; or

(b) one that is dealt with under subsection 152(1), including in relation to advance polls by virtue of subsection 171(1), or subsection 213(4), 242(1) or 258(3).

"volunteer labour"  
« *travail bénévole* »

"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.

"writ"  
« *bref* »

"writ" means a writ of election.

#### No commercial value

(2) For the purposes of this Act, other than section 92.2, the commercial value of property or a service is deemed to be nil if

(a) it is provided by a person who is not in the business of providing that property or those services; and

(b) the amount charged for it is \$200 or less.

#### Satisfactory proof of identity and residence

(3) For the purposes of this Act, satisfactory proof of an elector's identity and satisfactory proof of residence are established by the documentary proof of the elector's identity and residence that is prescribed by the Chief Electoral Officer.

#### Time

(4) A reference to a time of day in this Act is a reference to local time.

#### Descriptive cross-references

(5) If, in any provision of this Act, a reference to another provision of this Act or a provision of any other Act is

followed by words in parentheses that are or purport to be descriptive of the subject-matter of the provision referred to, those words form no part of the provision in which they occur but are inserted for convenience of reference only.

2000, c. 9, s. 2, c. 12, s. 40; 2001, c. 21, s. 1; 2002, c. 7, s. 90; 2003, c. 19, s. 1; 2004, c. 24, s. 1; 2006, c. 9, s. 39; 2007, c. 21, s. 1.

## PART 1

### ELECTORAL RIGHTS

#### Persons qualified as electors

**3.** Every person who is a Canadian citizen and is 18 years of age or older on polling day is qualified as an elector.

#### Disentitlement from voting

**4.** The following persons are not entitled to vote at an election:

(a) the Chief Electoral Officer;

(b) the Assistant Chief Electoral Officer; and

(c) every person who is imprisoned in a correctional institution serving a sentence of two years or more.

#### Prohibition

**5.** No person may

(a) vote or attempt to vote at an election knowing that they are not qualified as an elector or not entitled to vote under section 4; or

(b) induce another person to vote at an election knowing that the other person is not qualified as an elector or not entitled to vote under section 4.

#### Persons entitled to vote

**6.** Subject to this Act, every person who is qualified as an elector is entitled to have his or her name included in the list of electors for the polling division in which he or she is ordinarily resident and to vote at the polling station for that polling division.

#### Only one vote

**7.** No elector who has voted at an election may request a second ballot at that election.

#### Place of ordinary residence

**8.** (1) The place of ordinary residence of a person is the place that has always been, or that has been adopted as, his or her dwelling place, and to which the person intends to return when away from it.

#### One place of residence only

(2) A person can have only one place of ordinary residence and it cannot be lost until another is gained.

#### Temporary absence

(3) Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.



### Place of employment

(4) If a person usually sleeps in one place and has their meals or is employed in another place, their place of ordinary residence is where they sleep.

### Temporary residence

(5) Temporary residential quarters are considered to be a person's place of ordinary residence only if the person has no other place that they consider to be their residence.

### Temporary residential quarters

(6) A shelter, hostel or similar institution that provides food, lodging or other social services to a person who has no dwelling place is that person's place of ordinary residence.

### Interpretation of ordinary residence

**9.** If the rules set out in section 8 are not sufficient to determine the place of ordinary residence, it shall be determined by the appropriate election officer by reference to all the facts of the case.

### Members and persons living with members

**10.** Each candidate at a general election who, on the day before the dissolution of Parliament immediately before the election, was a member, and any elector living with the candidate on that day who would move, or has moved, with the candidate to continue to live with the candidate, is entitled to have his or her name entered on the list of electors for, and to vote at the polling station that is established for, the polling division in which is located

- (a) the place of ordinary residence of the former member;
- (b) the place of temporary residence of the former member in the electoral district in which the former member is a candidate;
- (c) the office of the returning officer for the electoral district in which the former member is a candidate; or
- (d) the place in Ottawa or in the area surrounding Ottawa where the former member resides for the purpose of carrying out parliamentary duties.

### Part 11

**11.** Any of the following persons may vote in accordance with Part 11:

- (a) a Canadian Forces elector;
- (b) an elector who is an employee in the federal public administration or the public service of a province and who is posted outside Canada;
- (c) a Canadian citizen who is employed by an international organization of which Canada is a member and to which Canada contributes and who is posted outside Canada;
- (d) a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident;
- (e) an incarcerated elector within the meaning of that Part; and
- (f) any other elector in Canada who wishes to vote in accordance with that Part.

### Residence at by-election

**12.** (1) No elector is entitled to vote at a by-election unless his or her place of ordinary residence on polling day is situated in the same electoral district that includes the polling division in which was situated the elector's place of ordinary residence at the beginning of the revision period established by section 96.

### Address change within electoral district

(2) For the purpose of a by-election only and despite anything in this Act, an elector who, during the period between the beginning of the revision period and ending on polling day, has changed his or her place of ordinary residence from one polling division to another polling division in the same electoral district may register his or her name on the list of electors in the new polling division.

## PART 2

### CHIEF ELECTORAL OFFICER AND STAFF

#### CHIEF ELECTORAL OFFICER

##### Appointment of Chief Electoral Officer

**13.** (1) There shall be a Chief Electoral Officer who shall be appointed by resolution of the House of Commons to hold office during good behaviour. He or she may be removed for cause by the Governor General on address of the Senate and House of Commons.

##### Term of office

(2) The Chief Electoral Officer ceases to hold office on reaching 65 years of age.

##### Appointment of substitute

**14.** (1) In case of the death, incapacity or negligence of the Chief Electoral Officer while Parliament is not sitting, a substitute Chief Electoral Officer shall, on the application of the Minister, be appointed by order of the Chief Justice of Canada or, in the absence of the Chief Justice of Canada, by the senior judge of the Supreme Court of Canada then present in Ottawa.

##### Tenure of office of substitute

(2) A substitute Chief Electoral Officer shall act as Chief Electoral Officer until 15 days after the beginning of the next session of Parliament unless the Chief Justice of Canada or the judge who made the order to appoint the substitute Chief Electoral Officer sooner directs that the order be revoked.

##### Absence of Chief Justice

(3) In the absence of both the Chief Justice of Canada and of the judge who made the order to appoint the substitute Chief Electoral Officer, the order may be revoked by any other judge of the Supreme Court of Canada.

##### Remuneration of substitute

(4) The substitute Chief Electoral Officer is entitled to be paid the remuneration fixed by the Governor in Council.

##### Rank, powers and duties

**15.** (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, shall perform the duties of the office on a full-time basis and shall not hold any other office under Her Majesty or engage in any other employment.

##### Salary and expenses of Chief Electoral Officer

(2) The Chief Electoral Officer shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice of that Court, and is entitled to be paid reasonable travel and living expenses while absent from

his or her ordinary place of residence in the course of his or her duties.

#### Superannuation and compensation

(3) The Chief Electoral Officer is deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act* and to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

#### Communication with Governor in Council

(4) The Chief Electoral Officer shall communicate with the Governor in Council through the Minister for the purposes of this Act.

2000, c. 9, s. 15; 2002, c. 8, s. 116; 2003, c. 22, s. 101(E).

#### Powers and duties of Chief Electoral Officer

**16.** The Chief Electoral Officer shall

(a) exercise general direction and supervision over the conduct of elections;

(b) ensure that all election officers act with fairness and impartiality and in compliance with this Act;

(c) issue to election officers the instructions that the Chief Electoral Officer considers necessary for the administration of this Act; and

(d) exercise the powers and perform the duties and functions that are necessary for the administration of this Act.

#### Power to adapt Act

**17.** (1) During an election period or within 30 days after it, if an emergency, an unusual or unforeseen circumstance or an error makes it necessary, the Chief Electoral Officer may adapt any provision of this Act and, in particular, may extend the time for doing any act, subject to subsection (2), or may increase the number of election officers or polling stations.

#### Limitation — power to adapt

(2) The Chief Electoral Officer shall not extend the hours within which a returning officer may receive a nomination paper or the voting hours at an advance polling station or, subject to subsection (3), the voting hours on polling day.

#### Emergency — extending voting hours

(3) If voting at a polling station is interrupted on polling day by an emergency and the Chief Electoral Officer is satisfied that, if the voting hours at the polling station are not extended, a substantial number of electors will not be able to vote, the Chief Electoral Officer shall extend the voting hours at the polling station for the period the Chief Electoral Officer considers necessary to give those electors a reasonable opportunity to vote, as long as the polling station does not in any case

(a) close later than midnight on polling day; or

(b) remain open during polling day for a total of more than 12 hours.

2000, c. 9, s. 17; 2007, c. 21, s. 2.

#### Public education and information programs

**18.** (1) The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

### Communication with the public

(2) The Chief Electoral Officer may, using any media or other means that he or she considers appropriate, provide the public, both inside and outside Canada, with information relating to Canada's electoral process, the democratic right to vote and how to be a candidate.

### Information outside Canada

(3) The Chief Electoral Officer may establish programs to disseminate information outside Canada concerning how to vote under Part 11.

### Electronic voting process

**18.1** The Chief Electoral Officer may carry out studies on voting, including studies respecting alternative voting means, and may devise and test an electronic voting process for future use in a general election or a by-election. Such a process may not be used for an official vote without the prior approval of the committees of the Senate and of the House of Commons that normally consider electoral matters.

2000, c. 9, s. 18.1; 2001, c. 21, s. 2.

## ASSISTANT CHIEF ELECTORAL OFFICER AND STAFF

### Staff

**19.** (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and any other officers, clerks and employees that may be required, who shall be appointed in accordance with the *Public Service Employment Act*.

### Superannuation and compensation

(2) The Assistant Chief Electoral Officer is deemed to be a person employed in the public service for the purposes of the *Public Service Superannuation Act* and is deemed to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

2000, c. 9, s. 19; 2003, c. 22, s. 102(E).

### Casual and temporary staff

**20.** Any additional officers, clerks and employees that the Chief Electoral Officer considers necessary for his or her exercise of powers, and discharge of duties, under this Act related to the preparation for, and the conduct of, an election may be employed, in the manner authorized by law, on a casual or temporary basis.

### Delegation by Chief Electoral Officer

**21.** The Chief Electoral Officer may authorize the Assistant Chief Electoral Officer or any other officer on his or her staff to perform any of the Chief Electoral Officer's functions under this Act.

## PART 3 ELECTION OFFICERS

### GENERAL

### Election officers

**22.** (1) The following persons are election officers:

(a) returning officers appointed under subsection 24(1);

- (b) assistant returning officers appointed under subsection 26(1) or 28(5) and additional assistant returning officers appointed under subsection 30(1);
- (c) persons authorized by a returning officer under section 27 to perform duties under this Act;
- (c.1) persons designated pursuant to subsection 28(3.1);
- (d) revising agents appointed under paragraph 32(a);
- (e) deputy returning officers appointed under paragraphs 32(b) and (c) and subsection 273(1);
- (f) poll clerks appointed under paragraphs 32(b) and (c) and subsection 273(1);
- (g) registration officers appointed under paragraph 32(d);
- (h) information officers appointed under paragraph 124(1)(a);
- (i) persons responsible for maintaining order at a central polling place appointed under paragraph 124(1)(b);
- (j) central poll supervisors appointed under subsection 124(2);
- (k) persons appointed under subsection 290(2) to collect ballot boxes;
- (l) the special voting rules administrator appointed under section 181;
- (m) special ballot officers appointed under subsection 183(1) or section 184;
- (n) liaison officers for correctional institutions appointed under subsection 248(1); and
- (o) deputy returning officers and poll clerks for correctional institutions appointed under subsection 253(1).

#### Election officers — exclusions

(2) For greater certainty, a representative of a candidate who is present at a polling station is not an election officer.

#### Who shall not be appointed election officers

(3) The following persons shall not be appointed as an election officer:

- (a) a minister of the Crown or a member of the executive council of a province;
- (b) a member of the Senate or the House of Commons;
- (c) a member of the legislature of a province, the Council of the Northwest Territories or the Legislative Assembly of Yukon or Nunavut;
- (d) a judge or deputy judge of any superior court or any bankruptcy or insolvency court and, in Yukon and the Northwest Territories, a judge of the Supreme Court;
- (d.1) a person who was a candidate at the last general election or at a by-election held since the last general election;
- (e) a person who has served in Parliament in the session immediately before the election or in the session in progress at the time of the election; and
- (f) a person who, within seven years before the proposed appointment, has been found guilty of any offence under this Act, the *Referendum Act* or any Act of the legislature of a province relating to provincial, municipal

or school board elections.

#### Qualifications

(4) An election officer must be qualified as an elector and an election officer referred to in any of paragraphs (1)(a), (b), (d) to (g) and (j) must reside in the electoral district in which he or she is to perform duties under this Act.

#### Exception

(5) In the case of an appointment that is to be made by a returning officer, if he or she is unable to appoint an election officer who meets the requirements set out in subsection (4), he or she may, with the approval of the Chief Electoral Officer, appoint

(a) a Canadian citizen who is 16 years of age or older and who resides in the electoral district; or

(b) a person who is qualified as an elector but does not live in the electoral district.

#### Prohibition — acting as election officer

(6) No person shall act as an election officer knowing that they do not meet the requirements for an election officer set out in this section.

2000, c. 9, s. 22; 2002, c. 7, s. 91; 2006, c. 9, s. 173.

#### Oath

**23.** (1) Before assuming duties, an election officer shall swear an oath in writing, in the prescribed form, to perform the duties of the office in an impartial manner.

#### Prohibition

(2) No election officer shall communicate information obtained in the course of performing his or her duties under this Act, other than for a purpose related to the performance of those duties.

#### Sending of oaths

(3) The returning officer shall send the documents containing the oaths of the returning officer and assistant returning officer without delay to the Chief Electoral Officer.

## RETURNING OFFICERS AND ASSISTANT RETURNING OFFICERS

#### Appointment of returning officers

**24.** (1) The Chief Electoral Officer shall appoint a returning officer for each electoral district in accordance with the process established under subsection (1.1) and may only remove him or her in accordance with the procedure established under that subsection.

#### Qualifications

(1.1) The Chief Electoral Officer shall prescribe the qualifications for the appointment of persons as returning officers, and shall establish for returning officers an external appointment process within the meaning of subsection 2(1) of the *Public Service Employment Act* on the basis of merit and a fair procedure for their removal on the grounds set out in subsection (7).

#### Meaning of merit

(1.2) The appointment of a person as a returning officer is made on the basis of merit if the Chief Electoral Officer is satisfied that the person meets the essential qualifications for the work to be performed and has regard to

(a) any additional qualifications that the Chief Electoral Officer considers to be an asset for the work to be

performed; and

(b) any current or future operational requirements.

#### Term of office

(1.3) A returning officer shall be appointed for a term of ten years.

#### Reappointment

(1.4) The Chief Electoral Officer may, after consultation with the leader of every recognized political party in the House of Commons, reappoint for another term any returning officer whose term expires and who has performed the functions of a returning officer in a satisfactory manner, whether or not other persons are considered for the appointment.

#### Continuation in office

(1.5) A returning officer may, with the approval of the Chief Electoral Officer, continue in office after his or her term expires until he or she is reappointed or until another person is appointed to the office.

#### Responsibility of returning officer

(2) A returning officer is responsible, under the general direction of the Chief Electoral Officer, for the preparation for and conduct of an election in his or her electoral district.

#### Obligation to act to enable elections to be held

(3) Every returning officer to whom a writ is directed shall, on its receipt, or on notification by the Chief Electoral Officer of its issue, cause to be promptly taken any of the proceedings directed by this Act that are necessary in order that the election may be regularly held.

#### Vacancy

(4) The office of returning officer does not become vacant unless the returning officer dies, resigns, is removed from office, reaches the end of his or her term of office or ceases to reside in the electoral district, or unless the boundaries of the electoral district are revised as a result of a representation order made under section 25 of the *Electoral Boundaries Readjustment Act*.

#### Resignation

(5) A returning officer who intends to resign shall give written notice to that effect to the Chief Electoral Officer and the resignation is effective only when it is accepted by the Chief Electoral Officer.

#### No partisan conduct

(6) No returning officer shall, while in office, knowingly engage in politically partisan conduct and in particular shall not make a contribution to a candidate, a leadership contestant or a nomination contestant or belong to or make a contribution to, be an employee of or hold a position in, a registered party, an eligible party or a registered association.

#### Removal from office

(7) The Chief Electoral Officer may remove from office any returning officer who

(a) is incapable, by reason of illness, physical or mental disability or otherwise, of satisfactorily performing his or her duties under this Act;

(b) fails to discharge competently a duty of a returning officer under this Act or to comply with an instruction of the Chief Electoral Officer described in paragraph 16(c);

(c) fails to complete the revision of the boundaries of the polling divisions in their electoral district as instructed by the Chief Electoral Officer under subsection 538(3); or

(d) contravenes subsection (6), whether or not the contravention occurs in the exercise of his or her duties under this Act.

2000, c. 9, s. 24; 2003, c. 19, s. 2; 2006, c. 9, s. 174.

#### List in *Canada Gazette*

**25.** Between the 1st and 20th days of January in each year, the Chief Electoral Officer shall publish a list in the *Canada Gazette* of the name, address and occupation of the returning officer for each electoral district in Canada.

2000, c. 9, s. 25; 2006, c. 9, s. 175.

#### Assistant returning officer

**26.** (1) A returning officer shall, without delay after being appointed, appoint in writing an assistant returning officer, who shall hold office at pleasure and send the appointment in writing to the Chief Electoral Officer.

#### Restriction on appointment

(2) A returning officer shall not appoint his or her spouse, common-law partner, child, mother, father, brother, sister, the child of his or her spouse or common-law partner, or a person who lives with him or her as an assistant returning officer.

2000, c. 9, s. 26, c. 12, s. 40.

#### Authorization

**27.** (1) The returning officer for an electoral district may, with the prior approval of the Chief Electoral Officer, authorize any person acting under his or her direction to perform any of the functions of a returning officer under this Act, except those described in subsection 24(3), sections 57, 62, 63 and 67, subsections 71(1) and 72(1), sections 74, 77, 103, 104, 130, 293 to 298 and 300, subsection 301(6) and sections 313 to 316.

#### Authorization in writing

(2) An authorization under subsection (1) shall be signed and dated by the returning officer.

#### Notification if returning officer incapacitated

**28.** (1) It is the duty of a returning officer or an assistant returning officer to notify the Chief Electoral Officer without delay if the returning officer at any time becomes unable to act.

(2) [Repealed, 2006, c. 9, s. 176]

#### Assistant returning officer to act

(3) Subject to subsection 24(1.5), if a returning officer is absent or unable to act or if a returning officer's office is vacant, the assistant returning officer shall act in place of the returning officer.

#### Designated person to act

(3.1) If a returning officer and an assistant returning officer are both absent or unable to act or if both their offices are vacant during an election period, the Chief Electoral Officer shall designate a person to act in place of the returning officer, and that person may, during and after that period, perform the duties of a returning officer in relation to that election.

#### Appointment within limited period

(4) When the office of a returning officer becomes vacant, the Chief Electoral Officer shall appoint a new returning officer without delay.



### Appointment of assistant returning officer

(5) Every assistant returning officer who is required to act as a returning officer under subsection (3) shall appoint an assistant returning officer without delay.

2000, c. 9, s. 28; 2006, c. 9, s. 176.

### Duties of returning officer

**29.** (1) A returning officer shall

(a) without delay after removing an assistant returning officer from office, notify the assistant returning officer in writing of the removal and send a copy of the notice to the Chief Electoral Officer; and

(b) without delay after the death or resignation of an assistant returning officer, notify the Chief Electoral Officer in writing of the death or resignation.

### Appointment of substitute

(2) If an assistant returning officer dies, resigns, becomes disqualified or incapable of acting or refuses to act, or is removed from office for any other reason, the returning officer who appointed him or her shall without delay appoint a substitute.

### Tenure of office of assistant returning officer

(3) When a returning officer ceases to hold office, the assistant returning officer appointed by him or her remains in office until the returning officer's successor appoints a new assistant returning officer.

### Resignation by assistant returning officer

(4) An assistant returning officer who intends to resign shall give written notice to the returning officer who appointed him or her or, if the office of returning officer is vacant, to the Chief Electoral Officer.

### Additional assistant returning officer

**30.** (1) On request by a returning officer, the Chief Electoral Officer may designate areas in the returning officer's electoral district and authorize, in writing, the appointment of an assistant returning officer, in addition to the assistant returning officer appointed under subsection 26(1), for each of those areas.

### Appointment

(2) A returning officer shall appoint an additional assistant returning officer and establish an office in each area designated by the Chief Electoral Officer.

### Delegation limited

(3) An assistant returning officer appointed under subsection (2) may perform the functions of an assistant returning officer only in respect of the area for which they are appointed.

### Further limitation

(4) An assistant returning officer appointed under subsection (2) may not perform the functions described in subsections 28(1), 60(2), 70(1) and 293(1).

### Prohibition — acting in another capacity

**31.** No returning officer or assistant returning officer appointed under subsection 26(1) shall act in any other capacity under this Act.

## ELECTION OFFICERS APPOINTED BY RETURNING OFFICER

## *General*

### *Election officers*

**32.** After the issue of the writ, a returning officer shall appoint the following election officers in the prescribed form:

- (a) the revising agents that the returning officer considers necessary, provided that the Chief Electoral Officer approves of their number;
- (b) one deputy returning officer and one poll clerk for each advance polling station in the electoral district;
- (c) one deputy returning officer and one poll clerk for each polling station in the electoral district; and
- (d) a registration officer for each registration desk.

2000, c. 9, s. 32; 2001, c. 21, s. 3(E).

## *Revising Agents*

### *Solicitation of names*

**33.** (1) Before appointing revising agents, a returning officer shall solicit names of suitable persons from the registered parties whose candidates finished first and second in the last election in the electoral district and, if sufficient names are not provided by those parties within three days after receipt of the request, the returning officer may solicit names from any other source.

### *Equal distribution*

(2) A returning officer shall appoint half of the revising agents from among the persons recommended by the registered party whose candidate finished first in the last election in the electoral district, and half from among the persons recommended by the registered party whose candidate finished second in that election.

### *Revising agents to work in pairs*

(3) A returning officer shall appoint revising agents to work in pairs and each pair shall consist, as far as possible, of persons recommended by different registered parties.

### *Replacement*

(4) A returning officer may replace a revising agent at any time and the former revising agent shall return all election materials in his or her possession to the returning officer.

### *Lists of revising agents*

(5) Each returning officer shall make available to each candidate a list of the revising agents for the electoral district, on completion of the list.

### *Identification*

(6) Each revising agent shall, while performing his or her functions, wear or carry the identification that is supplied by the Chief Electoral Officer and shall show it on request.

## *Deputy Returning Officers and Poll Clerks*

### *Deputy returning officers*

**34.** (1) Each deputy returning officer referred to in paragraph 32(b) or (c) shall be appointed from lists of names of suitable persons provided by the candidate of the registered party whose candidate finished first in the

electoral district in the last election.

#### Replacing deputies

(2) A returning officer may, at any time, remove a deputy returning officer.

#### Poll clerks

**35.** (1) Each poll clerk referred to in paragraph 32(b) or (c) shall be appointed from lists of names of suitable persons provided by the candidate of the registered party whose candidate finished second in the electoral district in the last election.

#### Replacing poll clerks

(2) A returning officer may, at any time, remove a poll clerk.

#### Appointment

**36.** A returning officer shall proceed to appoint deputy returning officers and poll clerks from other sources if the candidates have not, by the 17th day before polling day, made their recommendations or have not recommended a sufficient number of suitable persons.

#### Refusal to appoint deputy returning officer

**37.** (1) A returning officer may, on reasonable grounds, refuse to appoint a deputy returning officer or a poll clerk recommended by a candidate and shall immediately advise the candidate of the refusal.

#### Recommendation of another person

(2) The candidate may, within 24 hours after being advised of the refusal, recommend another person and, if he or she does not do so, the returning officer shall proceed to appoint another person whose name is solicited from another source.

#### Replacement for deputy returning officer

**38.** (1) When the office of deputy returning officer is vacant or if the deputy returning officer is unable or unwilling to act, and the returning officer has not appointed a replacement, the poll clerk shall act as deputy returning officer without taking another oath.

#### Another poll clerk appointed

(2) When a poll clerk acts as deputy returning officer, the poll clerk shall, in the prescribed form, appoint a person to act as poll clerk.

## *Registration Officers*

#### Registration desks

**39.** (1) The returning officer shall establish one or more registration desks in accordance with the instructions of the Chief Electoral Officer.

#### Appointment of registration officers

(2) The returning officer shall appoint, for each registration desk, a registration officer to receive, on polling day, the applications for registration of electors whose names are not on the list of electors.

#### Solicitation of names

(3) Before appointing registration officers, the returning officer shall solicit names of suitable persons from the candidates of the registered parties whose candidates finished first and second in the last election in the electoral district, to be submitted to the returning officer no later than the 17th day before polling day. If, by that time, a

sufficient number of names of suitable persons are not provided by those candidates, the returning officer may solicit names from other sources.

#### Equal distribution of appointments

(4) The returning officer shall, as far as possible, appoint half of the registration officers from among the persons recommended by each of the candidates under subsection (3). If either of those candidates did not provide a sufficient number of names of suitable persons, his or her registered party's remaining share of the appointments shall be made from among the names solicited by the returning officer from other sources.

## EQUALITY OF VOTES

#### List of names to be provided

**40.** The registered parties that have the right to provide the returning officer with lists of names of suitable persons to be appointed as election officers for the purposes of a by-election under subsection 29(1.1) of the *Parliament of Canada Act* because of an equality of votes are the same registered parties as those who had that right for the purposes of the election that resulted in the equality of votes.

## NEW ELECTORAL DISTRICTS

#### Results transposed

**41.** (1) When a new electoral district is established, the Chief Electoral Officer shall transpose the results from the previous general election to the polling divisions that are in the new electoral district in order to determine which registered parties' candidates have the right to provide the returning officer with lists of persons to be appointed as election officers.

#### Special case

(2) If the Chief Electoral Officer cannot transpose the results from the previous general election to a portion of the new electoral district because no candidate was returned in respect of that portion due to an equality of votes, the Chief Electoral Officer shall transpose the results from the by-election that was subsequently held under subsection 29(1.1) of the *Parliament of Canada Act* in respect of that portion.

#### Exception

(3) If, in a case to which subsection (2) applies, a general election is held before the by-election, the registered parties that have the right to provide the returning officer with lists of names of suitable persons to be appointed as election officers in respect of that general election are the same registered parties as those that had that right for the purposes of the election that resulted in the equality of votes.

#### Notice to parties

(4) When the Chief Electoral Officer has determined which parties have the right to provide lists of names under subsection (1), (2) or (3), he or she shall notify the parties without delay of that right.

## MERGER OF REGISTERED PARTIES

#### Attribution of votes for appointments

**42.** For the purposes of subsections 33(1) and (2), 34(1), 35(1) and 39(3) and (4) and section 41, in determining whether the candidate of a registered party finished first or second in the last election in a case where the registered party is the result of a merger with two or more parties that were registered parties at that election, there shall be attributed to the candidate of the merged party the number of votes of the candidate of the merging party with the largest number of votes at that election.

## PROHIBITIONS

#### Prohibitions

**43.** No person shall

(a) wilfully obstruct an election officer in the performance of his or her duties;

(b) without authority, use identification simulating that used by a revising agent or intended to replace that prescribed by the Chief Electoral Officer for that purpose; or

(c) having been replaced as an election officer, fail to give to their replacement or to an authorized person any election documents or other election materials that the person has received or prepared in the performance of his or her duties.

#### Right of access

**43.1** (1) No person who is in control of an apartment building, condominium building or other multiple-residence building or a gated community may prevent an election officer or a member of the staff of a returning officer from obtaining access to the building or gated community, as the case may be, between 9:00 a.m. and 9:00 p.m., to perform his or her duties under this Act.

#### Exception

(2) Subsection (1) does not apply in respect of a person who is in control of a multiple-residence building whose residents' physical or emotional well-being may be harmed as a result of permitting the activities referred to in that subsection.

2007, c. 21, s. 3.

## PART 4

### REGISTER OF ELECTORS

#### MAINTENANCE AND COMMUNICATION OF REGISTER

##### Register of Electors

**44.** (1) The Chief Electoral Officer shall maintain a register of Canadians who are qualified as electors, to be known as the Register of Electors.

##### Contents of Register

(2) The Register of Electors shall contain, for each elector who is included in it, his or her surname, given names, sex, date of birth, civic address, mailing address and any other information that is provided under subsections 49(2), 194(7), 195(7), 223(2), 233(2) and 251(3).

##### Identifier

(2.1) The Register of Electors must also contain, for each elector, a unique, randomly generated identifier that is assigned by the Chief Electoral Officer.

##### Inclusion optional

(3) Inclusion in the Register of Electors is at the option of the elector.

2000, c. 9, s. 44; 2001, c. 21, s. 4; 2007, c. 21, s. 4.

##### Members and registered parties

**45.** (1) By November 15 in each year, the Chief Electoral Officer shall send to the member for each electoral district and, on request, to each registered party that endorsed a candidate in the electoral district in the last election, a copy in electronic form — taken from the Register of Electors — of the lists of electors for the electoral district.

### Contents of lists of electors

(2) The lists of electors shall set out each elector's surname, given names, civic address and mailing address, and the identifier that is assigned to the elector by the Chief Electoral Officer and shall be arranged in the form established by the Chief Electoral Officer according to the civic addresses of the electors or, if that is not appropriate, in alphabetical order by their surnames.

### Exception

(3) This section does not apply if November 15 falls during an election period or if the vote at a general election was held during the six months before that date.

### Merger of parties

(4) For the purpose of subsection (1), a registered party that is the result of a merger of two or more registered parties is deemed to have endorsed a candidate in the last election if one of the merging parties so endorsed a candidate.

2000, c. 9, s. 45; 2007, c. 21, s. 5.

## UPDATING THE REGISTER

### Sources of information

**46.** (1) The Register of Electors shall be updated from

(a) information

(i) that electors have given the Chief Electoral Officer, or

(ii) that is held by a federal department or body and that electors have expressly authorized to be given to the Chief Electoral Officer; and

(b) information that the Chief Electoral Officer considers reliable and necessary for updating the surname, given names, sex, date of birth, civic address and mailing address of electors included in the Register of Electors and that

(i) is held under an Act of the legislature of a province mentioned in Schedule 2, or

(ii) comes from any other source mentioned in Schedule 2.

### Retention of certain information

(1.1) The Chief Electoral Officer may retain information collected under paragraph (1)(b), but not included in the Register of Electors, for the purpose of correlating information subsequently collected with information already contained in the Register of Electors.

### Amendments to Schedule 2

(2) The Chief Electoral Officer may at any time amend Schedule 2 by adding, changing or deleting the name of an Act of the legislature of a province or of any other source of information, but no such amendment comes into force until notice of it is published in the *Canada Gazette*.

2000, c. 9, s. 46; 2007, c. 21, s. 6.

### Citizenship information

**46.1** For the purpose of assisting the Chief Electoral Officer in updating the Register of Electors, the Minister of National Revenue may, on a return of income referred to in subsection 150(1) of the *Income Tax Act*, request that an individual who is filing a return of income under paragraph 150(1)(d) of that Act indicate in the return whether he or she is a Canadian citizen.

2007, c. 21, s. 7.

#### Information in respect of deceased individuals

**46.2** For the purpose of updating the Register of Electors, the Minister of National Revenue shall, at the request of the Chief Electoral Officer, provide the name, date of birth and address of any individual to whom paragraph 150(1)(b) of the *Income Tax Act* applies if that individual has, in his or her last return of income filed under paragraph 150(1)(d) of that Act, authorized that Minister to provide his or her name, date of birth and address to the Chief Electoral Officer for the Register of Electors.

2007, c. 21, s. 7.

#### Duty of returning officer

**47.** During the election period, each returning officer shall update the Register of Electors from the information that he or she obtains under this Act, other than information in relation to an elector with respect to whom an application has been granted under subsection 233(1.1).

#### Other duties

**47.1** Between election periods, a returning officer shall perform any duties related to the updating of the Register of Electors that are requested by the Chief Electoral Officer.

2007, c. 21, s. 8.

#### New electors

**48.** (1) The Chief Electoral Officer shall, before including a new elector in the Register of Electors, send the elector the Chief Electoral Officer's information relating to him or her and ask if he or she wishes to be included in the Register of Electors.

#### Obligation of elector

(2) A new elector who wishes to be included in the Register of Electors shall confirm, correct or complete the information, in writing, and give it to the Chief Electoral Officer along with a signed certification that he or she is qualified as an elector under section 3.

#### Exceptions

(3) This section does not apply in respect of the inclusion of a new elector

(a) at the elector's request; or

(b) based on lists of electors established under provincial law, if those lists contain the information that the Chief Electoral Officer considers sufficient for the inclusion of the elector.

#### Listing requests

**49.** (1) Any person may at any time request the Chief Electoral Officer to include him or her in the Register of Electors, by providing

(a) a signed certification that he or she is qualified as an elector;

(b) his or her surname, given names, sex, date of birth, civic address and mailing address; and

(c) satisfactory proof of identity.

#### Optional information

(2) In addition to the information referred to in subsection (1), the Chief Electoral Officer may invite the elector to

give any other information that the Chief Electoral Officer considers necessary to implement any agreements entered into under section 55, but the elector is not required to do so.

#### Corrections

**50.** An elector may give the Chief Electoral Officer changes to the information in the Register of Electors relating to the elector, and the Chief Electoral Officer shall make the necessary corrections to the Register of Electors.

#### Verification

**51.** The Chief Electoral Officer may at any time

(a) contact an elector to verify the Chief Electoral Officer's information relating to him or her; and

(b) request the elector to confirm, correct or complete the information within 60 days after receiving the request.

#### Deletion of names

**52.** (1) The Chief Electoral Officer shall delete from the Register of Electors the name of any person who

(a) is dead;

(b) is not an elector; or

(c) requests in writing to have his or her name deleted.

#### Deletion of name — discretionary

(2) The Chief Electoral Officer may delete from the Register of Electors the name of any person who fails to comply with a request referred to in paragraph 51(b) within the 60 days.

#### Restrictions

**53.** If an elector so requests the Chief Electoral Officer in writing, information in the Register of Electors relating to that elector shall be used only for federal electoral or referendum purposes.

#### Access to personal information

**54.** At the written request of an elector, the Chief Electoral Officer shall send the elector all the information in the Chief Electoral Officer's possession relating to him or her.

## AGREEMENTS ON GIVING INFORMATION

#### Provincial bodies

**55.** (1) The Chief Electoral Officer may enter into an agreement with any body responsible under provincial law for establishing a list of electors, governing the giving of information contained in the Register of Electors, or the giving of information referred to in subsection 44(2) or (2.1) that the Chief Electoral Officer intends to include in the Register of Electors, if that information is needed for establishing such a list.

#### Conditions

(2) The Chief Electoral Officer shall include in the agreement conditions regarding the use and protection of personal information given under the agreement.

(3) [Repealed, 2007, c. 21, s. 9]



### Valuable consideration

(4) An agreement mentioned in subsection (1) may require valuable consideration to be provided in exchange for the information given.

2000, c. 9, s. 55; 2007, c. 21, s. 9.

## PROHIBITIONS

### Prohibitions

**56.** No person shall

(a) knowingly make a false or misleading statement, orally or in writing, relating to their qualification as an elector or relating to any other information referred to in section 49;

(b) knowingly make a false or misleading statement, orally or in writing, relating to another person's qualification as an elector, to the surname, given names, sex, civic address or mailing address of that person, or to the identifier assigned to that person by the Chief Electoral Officer, for the purpose of having that person's name deleted from the Register of Electors;

(c) request the listing in the Register of Electors of the name of a person who is not qualified as an elector, knowing that the person is not so qualified;

(d) wilfully apply to have included in the Register of Electors the name of an animal or thing;

(e) knowingly use personal information that is obtained from the Register of Electors except as follows:

(i) to enable registered parties, members or candidates to communicate with electors in accordance with section 110,

(ii) for the purpose of a federal election or referendum, or

(iii) in accordance with the conditions included in an agreement made under section 55, in the case of information that is transmitted in accordance with the agreement; or

(f) knowingly use other personal information that is transmitted in accordance with an agreement made under section 55 except in accordance with the conditions included in the agreement.

2000, c. 9, s. 56; 2007, c. 21, s. 10.

## PART 5

### CONDUCT OF AN ELECTION

#### DATE OF GENERAL ELECTION

### Powers of Governor General preserved

**56.1** (1) Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion.

### Election dates

(2) Subject to subsection (1), each general election must be held on the third Monday of October in the fourth calendar year following polling day for the last general election, with the first general election after this section comes into force being held on Monday, October 19, 2009.

2007, c. 10, s. 1.

### Alternate day

**56.2** (1) If the Chief Electoral Officer is of the opinion that a Monday that would otherwise be polling day under subsection 56.1(2) is not suitable for that purpose, including by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election, the Chief Electoral Officer may choose another day in accordance with subsection (4) and shall recommend to the Governor in Council that polling day be that other day.

### Publication of recommendation

(2) If the Chief Electoral Officer recommends an alternate day for a general election in accordance with subsection (1), he or she shall without delay publish in the *Canada Gazette* notice of the day recommended.

### Making and publication of order

(3) If the Governor in Council accepts the recommendation, the Governor in Council shall make an order to that effect. The order must be published without delay in the *Canada Gazette*.

### Limitation

(4) The alternate day must be either the Tuesday immediately following the Monday that would otherwise be polling day or the Monday of the following week.

### Timing of proclamation

(5) An order under subsection (3) shall not be made after August 1 in the year in which the general election is to be held.

2007, c. 10, s. 1.

## WRITS OF ELECTION

### General election — proclamation

**57.** (1) The Governor in Council shall issue a proclamation in order for a general election to be held.

### By-election — order

(1.1) The Governor in Council shall make an order in order for a by-election to be held.

### Contents

(1.2) The proclamation or order shall

(a) direct the Chief Electoral Officer to issue a writ to the returning officer for each electoral district to which the proclamation or order applies;

(b) fix the date of issue of the writ; and

(c) fix the date for voting at the election, which date must be at least 36 days after the issue of the writ.

### General election

(2) In the case of a general election,

(a) the date of issue of the writ shall be the same for all electoral districts;

(b) polling day shall be the same for all electoral districts; and

(c) the proclamation shall fix a date for the return of the writ to the Chief Electoral Officer, which date shall be

the same for all of the writs.

#### Election held on a Monday

(3) Subject to subsection (4) and section 56.2, polling day shall be on a Monday.

#### Exception

(4) In the case of a general election that is not held on a day set in accordance with subsection 56.1(2) or section 56.2, if, in the week in which the election is to be held, the Monday is a holiday, polling day shall be held on the Tuesday of that week.

#### Times when polling day is a Tuesday

(5) If the day fixed for the vote is a Tuesday because of subsection (4) or section 56.2, any time period specified under this Act before or after polling day is to be calculated as if polling day were the Monday.

2000, c. 9, s. 57; 2001, c. 21, s. 5; 2007, c. 10, s. 2.

#### Writs forwarded to returning officer

**58.** The Chief Electoral Officer shall issue a writ in Form 1 of Schedule 1 to the returning officer for the electoral district in which the election is to be held without delay after the proclamation is issued or the order is made under section 57.

2000, c. 9, s. 58; 2001, c. 21, s. 6; 2007, c. 10, s. 3.

#### Withdrawal of writ

**59.** (1) The Governor in Council may order the withdrawal of a writ for any electoral district for which the Chief Electoral Officer certifies that by reason of a flood, fire or other disaster it is impracticable to carry out the provisions of this Act.

#### Duties of Chief Electoral Officer

(2) If the Governor in Council orders the withdrawal of a writ, the Chief Electoral Officer shall publish a notice of the withdrawal in the *Canada Gazette* and issue a new writ ordering an election within three months after publication of the notice.

#### Polling day

(3) The day named in the new writ for polling day may not be later than three months after the issue of the new writ.

#### Returning officer to open and maintain an office

**60.** (1) Every returning officer shall, without delay after receiving the writ or notice by the Chief Electoral Officer of the issue of the writ, open an office in premises with level access in a convenient place in the electoral district and shall maintain the office throughout the election period.

#### Hours

(2) The Chief Electoral Officer may fix the hours that the office must be open and the minimum number of hours of compulsory attendance at it by the returning officer and the assistant returning officer.

#### Appointment of staff

**61.** (1) The Chief Electoral Officer may authorize returning officers to appoint the staff that they consider necessary for the purposes of this Act.

#### Employment of staff

- (2) Staff mentioned in subsection (1) shall
- (a) be appointed in the prescribed form;
  - (b) take the prescribed oath; and
  - (c) be discharged as soon as their services are no longer needed.

## NOTICE OF ELECTION BY RETURNING OFFICER

### Notice of election

**62.** Within four days after the issue of the writ, each returning officer shall sign and issue a Notice of Election in Form 2 of Schedule 1 that indicates

- (a) the deadline for the receipt of nominations;
- (b) the date for polling day;
- (c) the date and time, not later than seven days after polling day, for the validation of results; and
- (d) the address of the returning officer's office.

## RETURN BY ACCLAMATION

### Return by acclamation

**63.** (1) When, as of 2:00 p.m. on the 19th day before polling day, the returning officer has confirmed a nomination for only one candidate, the returning officer shall

- (a) without delay declare the candidate elected by endorsing the return of the writ in the prescribed form on the back of the writ and returning it to the Chief Electoral Officer; and
- (b) within 48 hours after the return of the writ, send a certified copy of it to the elected candidate.

### Report with return

(2) When the returning officer returns the writ to the Chief Electoral Officer, the returning officer shall include with it a report of the proceedings during the election period, including any nomination proposed and rejected for non-compliance with this Act.

## HOLDING OF AN ELECTION

### Holding of election

**64.** (1) If the nomination of more than one candidate is confirmed in an electoral district, an election shall be held.

### Notice of grant of a poll

(2) The returning officer shall, within five days after the closing day for nominations, if more than one candidate is nominated, post in the returning office a notice of grant of a poll in the prescribed form that indicates

- (a) the name, address and political affiliation, if any, of each candidate, as stated in the nomination papers, in the order in which their names are to be placed on the ballots;
- (b) the name and address of the official agent for each candidate, as stated in the nomination papers; and
- (c) the name, if any, and the number of each of the polling divisions and the addresses of the polling stations

in that electoral district.

#### Notice to be posted in polling station

(3) The returning officer shall send one copy of the notice of grant of a poll to each deputy returning officer or central poll supervisor, as the case may be, and the officer or supervisor shall post the notice in his or her polling place.

#### Documents to candidates

(4) The returning officer shall send to each candidate, on the later of the 31st day before polling day and the day on which the candidate's nomination is confirmed, up to 10 copies of a document that sets out a description of the boundaries of the polling divisions in the electoral district.

## PART 6 CANDIDATES QUALIFICATIONS

#### Ineligible candidates

**65.** The following persons are not eligible to be a candidate:

- (a) a person who is not qualified as an elector on the date on which his or her nomination paper is filed;
- (b) a person who is disentitled under paragraph 502(3)(a) while they are so disentitled;
- (c) a member of the legislature of a province, the Council of the Northwest Territories or the Legislative Assembly of Yukon or Nunavut;
- (d) a sheriff, clerk of the peace or county Crown Attorney in any of the provinces;
- (e) a person who is not entitled under section 4 to vote;
- (f) a judge appointed by the Governor in Council, other than a citizenship judge appointed under the *Citizenship Act*;
- (g) a person who is imprisoned in a correctional institution;
- (h) an election officer; and
- (i) a person who was a candidate in a previous election and for whom a return, report, document or declaration has not been provided under subsection 451(1), if the time and any extension for providing it have expired.

2000, c. 9, s. 65; 2002, c. 7, s. 92.

## NOMINATION OF CANDIDATES

#### Manner of nomination

**66.** (1) A nomination paper shall be in the prescribed form and include

- (a) a statement under oath by the prospective candidate of
  - (i) his or her name, address and occupation,

- (ii) the address designated by the prospective candidate for service of documents under this Act,
  - (iii) the name and address of the prospective candidate's official agent,
  - (iv) the name, address and occupation of the prospective candidate's auditor named under subsection 83(2), and
  - (v) the name of the political party that has endorsed the prospective candidate or, if none, the prospective candidate's choice to either have the word "independent" or no designation of political affiliation under his or her name in election documents;
- (b) a statement by the prospective candidate, consenting to the nomination, signed and sworn in the presence of a witness who is an elector but is not the person who administers the oath;
- (c) the signature of the witness referred to in paragraph (b);
- (d) a statement signed by the official agent consenting to act in that capacity;
- (e) for any electoral district except one listed in Schedule 3, the names, addresses and signatures, made in the presence of a witness, of at least 100 electors resident in the electoral district;
- (f) for an electoral district listed in Schedule 3, the names, addresses and signatures, made in the presence of a witness, of at least 50 electors resident in the electoral district; and
- (g) the name, address and signature of the witness to each signature made under paragraph (e) or (f).

#### Particulars of candidates

(2) For the purpose of subparagraph (1)(a)(i),

- (a) the name shall not include any title, degree or other prefix or suffix;
- (b) one or more of the given names may be replaced by a nickname by which the prospective candidate is publicly known, other than a nickname that could be confused with the name of a political party, and the nickname may be accompanied by the initial or initials of their given name;
- (c) a normal abbreviation of one or more of the given names may be substituted for the given name or names; and
- (d) the occupation shall be stated briefly and shall correspond to the occupation by which the prospective candidate is known in his or her place of ordinary residence.

#### Public knowledge of nickname

(3) A prospective candidate who uses a nickname described in paragraph (2)(b) in his or her nomination paper shall, if the returning officer requests, provide the returning officer with documents that are determined by the Chief Electoral Officer to be evidence of the common public knowledge and acceptance of the nickname.

#### Notification and determination

(4) If the returning officer is of the opinion that a nickname referred to in paragraph (2)(b) could be confused with the name of a political party, he or she shall notify the Chief Electoral Officer, who shall determine whether the nickname may be used as provided in that paragraph.

2000, c. 9, s. 66; 2001, c. 21, s. 7.

#### Witness files nomination paper

**67.** (1) The witness to the consent referred to in paragraph 66(1)(b) shall file the nomination paper with the returning officer in the electoral district in which the prospective candidate is seeking nomination at any time between the issue of the Notice of Election and the close of nominations.

#### Witness ensures signatures are of electors

(2) The witness shall use due diligence to ensure that the signatures referred to in paragraph 66(1)(e) or (f) were all made by electors resident in the electoral district.

#### Witness swears oath

(3) The witness shall, on filing the nomination paper, swear an oath in writing in the prescribed form before the returning officer stating that

- (a) the witness knows the prospective candidate;
- (b) the witness is qualified as an elector; and
- (c) the prospective candidate signed the consent to the nomination in the presence of the witness.

#### Other requirements

(4) The witness shall file with the returning officer, together with the nomination paper,

- (a) a deposit of \$1,000;
- (b) a statement signed by the auditor consenting to act in that capacity; and
- (c) if applicable, an instrument in writing, signed by the leader of the political party or by a person referred to in subsection 383(2), that states that the prospective candidate is endorsed by the party in accordance with section 68.

2000, c. 9, s. 67; 2001, c. 21, s. 8.

#### Party may endorse only one candidate per district

**68.** (1) A political party may endorse only one prospective candidate in each electoral district for a given election.

#### New endorsement

(2) If, with respect to a particular electoral district, a candidate who has been endorsed by a political party dies before 2:00 p.m. on the 5th day before the closing day for nominations or withdraws in accordance with subsection 74(1), the party may endorse another candidate in that electoral district before the close of nominations.

2000, c. 9, s. 68; 2001, c. 21, s. 9.

#### Closing day for nominations

**69.** The closing day for nominations shall be Monday, the 21st day before polling day.

#### Hours of attendance

**70.** (1) The returning officer and the assistant returning officer shall attend between noon and 2:00 p.m. on the closing day for nominations at the office of the returning officer in order that the returning officer may receive nominations for prospective candidates who have not yet filed their nomination papers.

#### Close of nominations

(2) No nomination may be received from any person who enters the office of the returning officer after 2:00 p.m. on the closing day for nominations.

#### Designated filing place

(3) The returning officer may authorize a person to receive the nomination paper and the deposit, statement and instrument referred to in paragraphs 67(4)(a) to (c), respectively, in any place designated by the returning officer. They must be received by the close of nominations.

#### Notice to candidate of confirmation or refusal

**71.** (1) The returning officer shall, not later than 48 hours after a nomination paper is filed, give the prospective candidate notice, in the prescribed form, of the confirmation of the nomination or of the refusal to accept the nomination.

#### Verification of nomination papers

(2) Before giving confirmation of a nomination or refusing to accept one, the returning officer shall verify, in accordance with the instructions of the Chief Electoral Officer,

(a) that the nomination paper is complete, including having at least the number of signatures referred to in paragraph 66(1)(e) or (f), as the case may be; and

(b) that the signatures referred to in paragraph 66(1)(e) or (f) are those of electors who are entitled to vote in the electoral district in which the prospective candidate intends to seek nomination.

#### Correction or replacement

(3) A nomination paper that a returning officer has refused to accept may be replaced by another nomination paper or may be corrected if the new or corrected nomination paper is filed with the returning officer by the close of nominations.

#### Deposit to Receiver General

**72.** (1) On receipt of the deposit, the returning officer shall issue a receipt to the witness and shall without delay send the deposit to the Chief Electoral Officer who shall without delay send it to the Receiver General.

#### Refund of deposit

(2) If a returning officer refuses to accept a nomination, the deposit that was filed in support of it shall be refunded to the person in respect of whom the nomination paper was filed.

#### Electronic filing

**73.** (1) A prospective candidate may send his or her nomination paper and the statement and instrument referred to in paragraphs 67(4)(b) and (c), respectively, by electronic means. In order for the nomination to be valid, the returning officer must receive the deposit referred to in paragraph 67(4)(a) and copies in electronic form of the nomination paper, statement and instrument by the close of nominations. The original documents must be received by the returning officer not later than 48 hours after the close of nominations.

#### Cancellation of nomination

(2) If the original documents are not received on time, the returning officer shall cancel the nomination unless the person in respect of whom the nomination paper was filed satisfies the returning officer that all reasonable measures were taken to ensure that the original documents were received on time.

#### Withdrawal of candidate

**74.** (1) A candidate may withdraw at any time before 5:00 p.m. on the closing day for nominations by filing, in person, with the returning officer a statement in writing to that effect signed by the candidate and witnessed by two electors who are entitled to vote in the electoral district in which the candidate's nomination was confirmed.

#### Consequences of withdrawal

(2) When a candidate withdraws under subsection (1), any votes cast for the candidate at the election are void.



### Minor corrections

**75.** A candidate may, before 5:00 p.m. on the closing day for nominations, provide in writing to the returning officer any change that he or she wishes to be made to his or her name, address or occupation as set out in the nomination paper.

### Votes for persons not properly nominated to be void

**76.** Any votes given for a person other than a candidate are void.

### Postponement of closing day for nominations on death of candidate

**77.** (1) If a candidate endorsed by a registered party dies after 2:00 p.m. on the 5th day before the closing day for nominations and before the close of polling stations on polling day, the election is postponed and the returning officer shall, after communicating with the Chief Electoral Officer, fix the 2nd Monday after the death as the closing day for nominations in that electoral district.

### New polling day

(2) Notice of the day fixed under subsection (1) shall be given by a further Notice of Election distributed and posted as specified by the Chief Electoral Officer, and there shall also be named by the Notice of Election a new polling day, which shall be Monday, the 21st day after the day fixed under that subsection.

### Lists of electors

(3) The lists of electors to be used at a postponed election shall be the lists of electors that were revised before the 6th day before the new polling day.

### Postponement of election

**78.** The postponement of an election under section 77 and the fixing of a new closing day for nominations does not invalidate the nomination of the other candidates.

### Ballots void

**79.** If an election is postponed under section 77, all ballots that are cast before the postponement are void and shall be destroyed.

## RIGHTS OF CANDIDATES

### Leave of absence

**80.** Every employer of employees to whom Part III of the *Canada Labour Code* applies shall, on application, grant any such employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for the period during the election period that may be requested.

### Canvassing, etc., in residential areas

**81.** (1) No person who is in control of an apartment building, condominium building or other multiple-residence building or a gated community may prevent a candidate or his or her representative from

(a) in the case of an apartment building, condominium building or gated community, canvassing, between 9:00 a.m. and 9:00 p.m., at the doors to the apartments, units or houses, as the case may be; or

(b) in the case of a multiple-residence building, campaigning, between 9:00 a.m. and 9:00 p.m., in a common area in the multiple residence.

### Exception

(2) Subsection (1) does not apply in respect of a person who is in control of a multiple residence building whose residents' physical or emotional well-being may be harmed as a result of permitting canvassing or campaigning referred to in that subsection.

2000, c. 9, s. 81; 2007, c. 21, s. 11.

### Campaigning in public places

**81.1** (1) No person who is in control of a building, land, street or any other place, any part of which is open without charge to members of the public, whether on a continuous, periodic or occasional basis — including any commercial, business, cultural, historical, educational, religious, governmental, entertainment or recreational place — may prevent a candidate or his or her representative from campaigning in or on that part when it is open without charge to members of the public.

### Exception

(2) Subsection (1) does not apply in respect of a place if campaigning in or on it would be incompatible with the function and purpose of the place or inconsistent with public safety.

2007, c. 21, s. 12.

## OBLIGATIONS OF CANDIDATES

### Definition of candidate

**82.** For the purposes of sections 83 to 88 and 90, a candidate is deemed to have been a candidate from the time he or she accepts a contribution or incurs an electoral campaign expense referred to in section 406.

### Appointment of official agent

**83.** (1) A candidate shall appoint an official agent before accepting a contribution or incurring an electoral campaign expense.

### Appointment of auditor

(2) A candidate shall appoint an auditor on appointing an official agent.

### Official agent — ineligible persons

**84.** The following persons are not eligible to be an official agent:

(a) a candidate;

(b) an election officer or a member of the staff of a returning officer;

(b.1) an undischarged bankrupt;

(c) an auditor appointed as required by this Act;

(d) a person who is not qualified as an elector; and

(e) a person who does not have the capacity to enter into contracts in the province in which he or she ordinarily resides.

2000, c. 9, s. 84; 2003, c. 19, s. 3.

### Auditor — eligibility

**85.** (1) The following are eligible to be an auditor for a candidate:

(a) a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or

(b) a partnership of which every partner is a member in good standing of a corporation, an association or an institute of professional accountants.

#### Auditor — ineligible persons

(2) The following persons are not eligible to be an auditor for a candidate:

(a) an election officer or a member of the staff of a returning officer;

(b) the candidate or any other candidate;

(c) the official agent of the candidate or any other candidate;

(d) the chief agent of a registered party or an eligible party;

(e) a registered agent of a registered party;

(f) electoral district agents of registered associations;

(g) leadership contestants and their leadership campaign agents;

(h) nomination contestants and their financial agents; and

(i) financial agents of registered third parties.

2000, c. 9, s. 85; 2003, c. 19, s. 4.

#### Where partnership appointed as official agent or auditor

**85.1** Subject to sections 84 and 85, a person may be appointed as official agent or auditor for a candidate notwithstanding that the person is a member of a partnership that has been appointed as an auditor, in accordance with this Act for

(a) a candidate in an electoral district other than the electoral district of the candidate for whom the appointment is being made; or

(b) a registered party.

#### Consent

**86.** A candidate who appoints an official agent or an auditor shall obtain from the official agent or auditor a signed statement consenting to act in that capacity.

#### Death, incapacity, resignation or revocation

**87.** In the event of the death, incapacity, resignation or revocation of the appointment of an official agent or of an auditor, the candidate shall, without delay, appoint another official agent or auditor.

#### Only one official agent and auditor

**88.** A candidate may have only one official agent and one auditor at a time.

## PROHIBITION

### Ineligible candidate

**89.** No person shall sign a nomination paper consenting to be a candidate knowing that he or she is not eligible to be a candidate.

### Prohibition — official agents

**90.** (1) No person who is ineligible to act as an official agent of a candidate shall act in that capacity.

### Prohibition — auditor

(2) No person who is ineligible to act as an auditor of a candidate shall act in that capacity.

### Publishing false statements to affect election results

**91.** No person shall, with the intention of affecting the results of an election, knowingly make or publish any false statement of fact in relation to the personal character or conduct of a candidate or prospective candidate.

2000, c. 9, s. 91; 2001, c. 21, s. 10(E).

### False statement of withdrawal of candidate

**92.** No person shall knowingly publish a false statement of the withdrawal of a candidate.

## GIFTS AND OTHER ADVANTAGES

### Definition of candidate

**92.1** For the purposes of sections 92.2 to 92.6, a candidate is deemed to have become a candidate on the earlier of

(a) the day on which he or she is selected at a nomination contest, and

(b) the day on which the writ is issued for the election.

2006, c. 9, s. 40.

### Prohibition

**92.2** (1) No candidate shall accept any gift or other advantage that might reasonably be seen to have been given to influence him or her in the performance of his or her duties and functions as a member, were the candidate to be elected, during the period that

(a) begins on the day on which he or she becomes a candidate; and

(b) ends on the day on which he or she withdraws, in the case of a candidate who withdraws in accordance with subsection 74(1), on the day on which he or she becomes a member, in the case of a candidate who is elected, and on polling day, in any other case.

### Exception

(2) Despite subsection (1), a candidate may accept a gift or other advantage that is given by a relative or as a normal expression of courtesy or protocol.

### Statement of candidate

(3) The candidate shall provide the Chief Electoral Officer with a statement in the prescribed form that discloses, in respect of all gifts or other advantages that the candidate accepted during the period referred to in subsection (1) whose benefit to the candidate exceeds \$500 or, if accepted from the same person or entity in that period, exceeds a total of \$500, other than gifts or other advantages given by relatives or made by way of an

unconditional, non-discretionary testamentary disposition,

- (a) the nature of each gift or other advantage, its commercial value and the cost, if any, to the candidate;
- (b) the name and address of the person or entity giving the gift or other advantage; and
- (c) the circumstances under which the gift or other advantage was given.

#### Clarification

(4) For the purposes of subsection (3), the benefit to a candidate of a gift or other advantage that is a service or property, or the use of property or money, is the difference between the commercial value of the service or property or the use of the property or money and the cost, if any, to the candidate.

#### Period for providing statement

- (5) The candidate shall provide the statement to the Chief Electoral Officer within four months after
- (a) polling day; or
  - (b) the publication of a notice of the withdrawal or deemed withdrawal of the writ for the election.

#### Definitions

(6) The following definitions apply in this section. "common-law partnership"  
«*union de fait*»

"common-law partnership" means the relationship between two persons who are cohabiting in a conjugal relationship, having so cohabited for a period of at least one year.

"gift or other advantage"  
«*cadeau ou autre avantage*»

"gift or other advantage" means

- (a) an amount of money if there is no obligation to repay it; and
- (b) a service or property, or the use of property or money, that is provided without charge or at less than its commercial value.

It does not include a contribution made by an eligible individual under Part 18 to the official agent of a candidate that does not exceed the limits set out in that Part, or a provision of goods or services or a transfer of funds under section 404.2.

"relative"  
«*parent*»

"relative", in respect of a candidate, means a person related to the candidate by marriage, common-law partnership, birth, adoption or affinity.

2006, c. 9, s. 40.

#### Extension or correction — Chief Electoral Officer

- 92.3** (1) The Chief Electoral Officer, on the written application of a candidate, may authorize
- (a) the extension of the period provided in subsection 92.2(5); or
  - (b) the correction, within a specified period, of the statement referred to in subsection 92.2(3).

### Deadline

(2) An application may be made

- (a) under paragraph (1)(a), within the period provided in subsection 92.2(5); and
- (b) under paragraph (1)(b), as soon as the candidate becomes aware of the need for correction.

### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the candidate in writing that the circumstances giving rise to the application arose by reason of

- (a) the illness of the candidate; or
- (b) inadvertence or an honest mistake of fact.

2006, c. 9, s. 40.

### Extension or correction — judge

**92.4** (1) A candidate may apply to a judge who is competent to conduct a recount for an order authorizing an extension referred to in paragraph 92.3(1)(a) or a correction referred to in paragraph 92.3(1)(b). The applicant shall notify the Chief Electoral Officer of the application.

### Deadline

(2) An application may be made within two weeks after

- (a) the rejection of an application, made in accordance with section 92.3, for the extension or correction; or
- (b) the expiry of the extended period or specified period authorized under paragraph 92.3(1)(a) or (b).

### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of a factor referred to in either paragraph 92.3(3)(a) or (b).

### Contents of order

(4) An order under subsection (1) may require that the candidate satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

2006, c. 9, s. 40.

### Chief Electoral Officer to retain statements

**92.5** (1) The Chief Electoral Officer shall retain in his or her possession the statements referred to in subsection 92.2(3) for at least one year after the return of the writ for the election.

### Information to be kept confidential

(2) The Chief Electoral Officer shall keep confidential the statements provided under subsection 92.2(3).

### Exception

(3) Subsection (2) does not prohibit the Commissioner from inspecting the statements referred to in that subsection, and any of those statements may be provided to the Director of Public Prosecutions and produced by that Director for the purpose of a prosecution for an offence under this Act.

2006, c. 9, s. 40.

#### Prohibition — false, misleading or incomplete statement

**92.6** No candidate shall provide the Chief Electoral Officer with a statement referred to in subsection 92.2(3) that

(a) the candidate knows or ought reasonably to know contains a material statement that is false or misleading; or

(b) does not substantially set out the information required by that subsection.

2006, c. 9, s. 40.

## PART 7 REVISION OF LISTS OF ELECTORS

### PRELIMINARY LISTS OF ELECTORS

#### Sending of information

**93.** (1) As soon as possible after the issue of a writ, the Chief Electoral Officer shall prepare a preliminary list of electors for each polling division in an electoral district, and shall send it to the returning officer for the electoral district along with all the other information in the Register of Electors that relates to the electors of that electoral district.

#### Distribution of preliminary lists

(1.1) The Chief Electoral Officer shall distribute, to each registered party or eligible party that requests it, one copy in electronic form of the preliminary lists of electors for an electoral district in respect of which a writ has been issued.

#### Form of preliminary list of electors

(2) A preliminary list of electors shall contain only the name and address of each elector in the electoral district and the identifier that is assigned to the elector by the Chief Electoral Officer and shall be arranged according to the civic addresses of the electors or, if that is not appropriate, in alphabetical order by their names.

#### Publication of preliminary lists

(3) The Chief Electoral Officer shall, not later than the 31st day before polling day, determine the number of names appearing on the preliminary lists of electors for each electoral district and cause that information to be published in the *Canada Gazette*.

2000, c. 9, s. 93; 2007, c. 21, s. 13.

#### Distribution of lists

**94.** (1) Each returning officer shall, on receipt of the preliminary lists of electors for his or her electoral district, distribute one printed copy and one copy in electronic form of the lists to each candidate in the electoral district who requests them.

#### Extra copies

(2) On the request of a candidate, the returning officer may provide a maximum of four additional printed copies of the preliminary lists of electors.

## NOTICE OF CONFIRMATION OF REGISTRATION

### Notice to electors

**95.** (1) Each returning officer shall, as soon as possible after the issue of a writ but not later than the 24th day before polling day, send a notice of confirmation of registration to every elector whose name appears on the preliminary list of electors, except electors who

- (a) are referred to in paragraph 11(e);
- (b) have completed a statement of ordinary residence under section 194 or 195; or
- (c) are referred to in section 222.

### Form of notice

(2) The notice of confirmation of registration shall be in the form established by the Chief Electoral Officer and shall indicate

- (a) the address of the elector's polling station, and whether or not it has level access;
- (b) the voting hours on polling day;
- (c) a telephone number to call for more information;
- (d) the dates of advance polls and the voting hours and locations of advance polling stations; and
- (e) the fact that proof of an elector's identity and residence will be required before the elector is allowed to vote.

### Particular needs

(3) The notice of confirmation of registration shall invite the elector to contact the returning officer if he or she

- (a) requires a language or sign language interpreter;
- (b) requires level access and his or her polling station does not have it; or
- (c) is unable to attend at a polling station because of a physical disability.

2000, c. 9, s. 95; 2007, c. 21, s. 14.

## REVISION PROCESS

### Revision of preliminary lists of electors

**96.** The Chief Electoral Officer shall, as soon as possible after the issue of a writ, fix the commencement date for the revision of the preliminary lists of electors. The revision period shall terminate at 6:00 p.m. on the 6th day before polling day.

### Election officers who are designated to receive applications

**97.** (1) The returning officer, assistant returning officer and revising agents for an electoral district may receive applications for additions or corrections to, or deletions from, a preliminary list of electors or the Register of Electors for their electoral district.

### Applications for addition, correction or deletion



(2) All applications referred to in subsection (1) that are received by revising agents shall, on completion, be presented to the returning officer or assistant returning officer for his or her approval.

#### Rental of offices

**98.** The returning officer may, with the approval of the Chief Electoral Officer, rent one or more offices for the revision of the preliminary lists of electors. The office or offices shall have level access.

#### Revision — purpose

**99.** The returning officer and assistant returning officer for an electoral district shall revise the preliminary lists of electors for that electoral district by

- (a) adding the names of electors who were omitted from the lists;
- (b) correcting information respecting electors whose names are on the lists; and
- (c) deleting the names of persons whose names were incorrectly inserted on the lists.

#### Information in Register of Electors

**99.1** The Chief Electoral Officer may, for the purpose of section 99, provide to the returning officer and assistant returning officer information contained in the Register of Electors.

2007, c. 21, s. 15.

#### Revising agents to act jointly

**100.** (1) Each pair of revising agents appointed for an electoral district shall act jointly to assist in the revision of the preliminary lists of electors.

#### Disagreement between revising agents

(2) In case of disagreement, the revising agents shall refer the matter to the returning officer or assistant returning officer for a decision and are bound by that decision.

#### Relevant elector information

**101.** (1) The returning officer or assistant returning officer may add the name of any elector to the preliminary list of electors if

- (a) the elector completes the prescribed registration form, establishes that he or she should be included on the list and provides satisfactory proof of identity;
- (b) another elector who lives at the same residence as the elector completes the prescribed registration form, establishes that the elector should be included on the list and provides satisfactory proof of identity in respect of that elector;
- (c) another elector who does not live at the same residence as the elector completes the prescribed registration form for the elector, establishes that the elector should be included on the list and provides
  - (i) written authorization from the elector allowing the other elector to complete the form for him or her, and
  - (ii) satisfactory proof of identity in respect of both electors; or
- (d) the elector, or another elector who lives at the same residence as the elector, at their residence and in the presence of the revising agents completes the prescribed registration form and takes the prescribed oath.

#### Addition of elector's name

(1.1) The returning officer or assistant returning officer may also add to the preliminary list of electors the name of

any elector whose name is added to the Register of Electors after that list has been prepared.

#### Exclusion from Register of Electors

(2) An elector whose name is added to a preliminary list of electors under paragraph (1)(a) may request that his or her name not be included in the Register of Electors.

#### Change of address

(3) The previous address of an elector whose name is added to a preliminary list of electors under any of paragraphs (1)(a) to (c) and who has changed his or her address since being listed in the Register of Electors shall be provided and the elector's name shall then be deleted from the Register of Electors in relation to the previous address.

#### Deletion of name of elector

(4) The returning officer or assistant returning officer may delete the name of a person from a preliminary list of electors if

- (a) the person requests it and provides satisfactory proof of identity;
- (b) it is established that the elector is deceased;
- (c) it is established that the information provided in respect of the elector is not valid; or
- (d) it is established that the elector no longer resides at the address indicated on the list.

#### Corrections

(5) The returning officer or assistant returning officer may approve corrections to the information, in respect of an elector, on a preliminary list of electors if

- (a) the elector has requested the correction under subsection 97(1); or
- (b) there is an omission, inaccuracy or error.

#### Address change within electoral district

(6) An elector who changes his or her address within an electoral district may, by telephone or otherwise, on providing satisfactory proof of identity and residence to one of the election officers mentioned in subsection 97(1), apply to have the relevant corrections made to the appropriate preliminary list of electors. Another elector who lives at the same residence as the elector in question, on providing satisfactory proof of identity and residence in respect of the elector in question, may apply to have the relevant corrections made to that list in respect of the elector in question.

2000, c. 9, s. 101; 2007, c. 21, s. 16.

#### Notice of confirmation of registration

**102.** Each returning officer shall, as early as possible during the revision period but not later than the 5th day before polling day, send a notice of confirmation of registration that contains the information described in subsections 95(2) and (3) to every elector whose name has been added to a preliminary list of electors during the revision period, except electors referred to in subsection 95(1).

## OBJECTION PROCEDURE

#### Objection by elector

**103.** (1) No later than the 14th day before polling day, an elector whose name appears on a list of electors for an electoral district may make an objection before the returning officer respecting the inclusion of the name of another person on a list of electors for that electoral district.

### Affidavit of objection

(2) An elector who wishes to make an objection under subsection (1) shall complete an affidavit of objection in the prescribed form, alleging that the other person is not entitled to vote in that electoral district, and shall submit the affidavit to the returning officer.

### Notice to be sent to person objected to

(3) The returning officer shall, on the day on which he or she receives an affidavit of objection or on the following day, send to the person objected to, at his or her address given on the list of electors and also at any other address given on the affidavit, a notice in the prescribed form advising the person that he or she may give evidence to show that he or she is entitled to vote in the electoral district in question by

(a) appearing personally or by representative before the returning officer at a specified time no later than the 11th day before polling day; or

(b) sending the returning officer, before that time, any documentation that the person considers appropriate.

### Notice to candidates

(4) The returning officer shall, as soon as possible, send to each candidate in the electoral district a copy of the notice referred to in subsection (3).

### Presence of candidates' representatives

(5) If the person objected to decides to appear before the returning officer under paragraph (3)(a), the returning officer shall permit one representative of each candidate in the electoral district to be present, but no representative has the right to intervene, except with the permission of the returning officer.

### Examination by returning officer

**104.** (1) When an objection is made under subsection 103(1), the returning officer may examine on oath the elector who made the objection, the person against whom it was made — if that person wishes to present their position — and any witness present, and make a decision on the basis of the information so obtained.

### Evidence

(2) The onus of presenting sufficient evidence to warrant the deletion of a name from a list of electors is on the elector who makes the objection.

### Elector to substantiate case

(3) The non-attendance before the returning officer at the time an objection is dealt with, or the failure of the person against whom the objection is made to send proof that he or she is entitled to vote in the electoral district, does not relieve the elector who makes the objection from proving, to the returning officer on a balance of probabilities, that the name of the person objected to should not appear on the list of electors.

### Outcome of objection

(4) After an objection is dealt with by the returning officer, he or she shall either delete the name of the person objected to from the list of electors on which the name appears or allow the name to stay on that list.

## UPDATED PRELIMINARY LISTS OF ELECTORS

### Distribution of lists

**104.1** Each returning officer shall, on the 19th day before polling day, distribute to each candidate in the electoral district who requests it, one copy in electronic form of the most current preliminary lists of electors for that electoral district.

## REVISED LISTS OF ELECTORS AND OFFICIAL LISTS OF ELECTORS

### Revised list of electors

**105.** (1) Each returning officer shall, on the 11th day before polling day, prepare a revised list of electors for each polling division in the electoral district for use at the advance poll.

### Publication of revised lists

(2) The Chief Electoral Officer shall, not later than the 7th day before polling day, determine the number of names appearing on the revised lists of electors for each electoral district and cause that information to be published in the *Canada Gazette*.

### Official list of electors

**106.** Each returning officer shall, on the 3rd day before polling day, prepare the official list of electors for each polling division for use on polling day.

### Form of lists

**107.** (1) The revised list of electors and official list of electors for each polling division shall be in the form established by the Chief Electoral Officer.

### Transmittal of list

(2) Each returning officer shall deliver to each deputy returning officer the revised list of electors or official list of electors, as the case may be, that the deputy returning officer needs to conduct the vote in his or her respective advance polling station or polling station. The list shall indicate each elector's sex and date of birth.

### Transmittal to candidates

(3) Each returning officer shall deliver to each candidate a printed copy and a copy in electronic form of a version of the revised lists of electors and the official lists of electors that does not indicate an elector's sex or date of birth.

### Extra copies

(4) On the request of a candidate, the returning officer may provide a maximum of four additional printed copies of the revised lists of electors and the official lists of electors.

2000, c. 9, s. 107; 2007, c. 21, s. 18.

## MERGER OF POLLING DIVISIONS

### Merger of polling divisions

**108.** (1) After the end of the revision period, the returning officer may, with the prior approval of the Chief Electoral Officer, merge a polling division with an adjacent polling division in the same electoral district.

### Official list

(2) The lists of electors for the merging polling divisions are deemed to be the official list of electors for the polling division that results from the merger.

## FINAL LISTS OF ELECTORS

### Final list of electors

**109.** (1) The Chief Electoral Officer shall, without delay after polling day, prepare final lists of electors for each electoral district.

### Delivery of final lists to member and parties

(2) The Chief Electoral Officer shall deliver a printed copy and a copy in electronic form of the final lists of electors for each electoral district to each registered party that endorsed a candidate in the electoral district and to the member who was elected for the electoral district.

### Extra copies

(3) On the request of a registered party or member referred to in subsection (2), the Chief Electoral Officer may provide a maximum of four additional printed copies of the final lists of electors.

2000, c. 9, s. 109; 2001, c. 21, s. 11.

## USE OF LISTS OF ELECTORS

### Registered parties

**110.** (1) A registered party that, under section 45 or 109, receives a copy of lists of electors or final lists of electors, respectively, may use the lists for communicating with electors, including using them for soliciting contributions and recruiting party members.

### Members

(2) A member who, under section 45 or 109, receives a copy of lists of electors or final lists of electors, respectively, may use the lists for

(a) communicating with his or her electors; and

(b) in the case of a member of a registered party, soliciting contributions for the use of the registered party and recruiting party members.

### Candidates

(3) A candidate who receives a copy of the preliminary lists of electors under section 94 or 104.1, or a copy of the revised lists of electors or the official lists of electors under subsection 107(3), may use the lists for communicating with his or her electors during an election period, including using them for soliciting contributions and campaigning.

2000, c. 9, s. 110; 2007, c. 21, s. 19.

## PROHIBITIONS

### Prohibitions in relation to lists of electors

**111.** No person shall

(a) wilfully apply to be included in a list of electors in a name that is not his or her own;

(b) wilfully apply, except as authorized by this Act, to be included in a list of electors for a polling division if he or she is already included in a list of electors for another polling division, which list was prepared for use at the same election;

(c) wilfully apply, except as authorized by this Act, to be included in a list of electors for a polling division in which the person is not ordinarily resident;

(d) apply to have included in a list of electors for an electoral district the name of a person, knowing that the person is not qualified as an elector or entitled to vote in the electoral district;

(e) wilfully apply to have included in a list of electors the name of an animal or thing; or

(f) knowingly use personal information that is recorded in a list of electors for a purpose other than

(i) to enable registered parties, members or candidates to communicate with electors in accordance with section 110, or

(ii) a federal election or referendum.

## PART 8

### PREPARATION FOR THE VOTE

#### LIST OF DEPUTY RETURNING OFFICERS

##### List of deputies to candidates

**112.** (1) A returning officer shall, at least three days before polling day, post in his or her office, and provide to each candidate or candidate's representative, a list of the names and addresses of all the deputy returning officers and poll clerks appointed to act in the electoral district, with the number of the polling station at which each is to act.

##### Access to list

(2) The returning officer shall permit access to, and give full opportunity for the inspection of, the list referred to in subsection (1) by interested persons at any reasonable time.

#### ELECTION MATERIALS

##### Delivery to returning officers

**113.** The Chief Electoral Officer, at any time before the issue of the writ or immediately after the issue of it, shall deliver to the returning officer sufficient quantities of election materials and the necessary instructions for the election officers to perform their duties.

##### Ballot boxes

**114.** (1) The Chief Electoral Officer shall provide the returning officer with the necessary ballot boxes.

##### Material of ballot box

(2) Each ballot box shall be of the size and shape and made of the material determined by the Chief Electoral Officer and be constructed to allow seals for the use of the returning officers and deputy returning officers to be affixed.

##### Ballot paper

**115.** (1) As soon as possible after the issue of the writ, the Chief Electoral Officer shall provide the returning officer with the paper on which the ballots are to be printed. The weight and opacity of the paper shall be determined by the Chief Electoral Officer.

##### Printing material

(2) Before the closing day for nominations, the Chief Electoral Officer shall deliver to every returning officer the printing material prepared for that election for the purpose of printing the year and the name of the electoral district on the back of the ballot.

##### Ballot printed in Form 3

**116.** (1) The returning officer shall, as soon as possible after 2:00 p.m. on the 19th day before polling day, authorize the printing of a sufficient number of ballots in Form 3 of Schedule 1.

### Form of ballot

(2) Ballots shall have a counterfoil and a stub, with a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

### Numbering of ballots

(3) The ballots shall be numbered on the back of the stub and the counterfoil, and the same number shall be printed on the stub as on the counterfoil.

### Books of ballots

(4) Ballots shall be in books containing an appropriate number of ballots.

### Obligation re: ballots, ballot paper

(5) Each printer shall return all of the ballots and all of the unused paper on which the ballots were to have been printed, to the returning officer.

### Printer's name and affidavit

(6) Ballots shall bear the name of the printer who, on delivering them to the returning officer, shall include an affidavit in the prescribed form that sets out a description of the ballots, the number of ballots delivered to the returning officer and the fact that all ballots were provided, and all paper returned, as required by subsection (5).

### Information on the ballot

**117.** (1) Ballots shall contain the names of candidates, arranged alphabetically, taken from their nomination papers.

### Name of party

(2) The name, in the form referred to in paragraph 366(2)(b), of the political party that has endorsed the candidate shall be listed on the ballot under the name of the candidate if

- (a) the candidate's nomination paper includes it;
- (b) the condition described in paragraph 67(4)(c) is met; and
- (c) no later than 48 hours after the close of nominations, the party is a registered party.
- (d) [Repealed, 2004, c. 24, s. 2]

### Designation of candidate as independent

(3) The word "independent" shall be listed on the ballot under the name of the candidate who has requested it in accordance with subparagraph 66(1)(a)(v) and may not be so listed in any other case.

(4) [Repealed, 2001, c. 21, s. 12]

### Address or occupation on ballot

(5) The ballot shall list under the candidate's name the address or occupation of a candidate who makes a written request to that effect to the returning officer before 5:00 p.m. on the closing day for nominations, if the candidate and another candidate on the ballot have the same name and both candidates have chosen under subparagraph 66(1)(a)(v) to either have the word "independent" or no designation of political affiliation under their names in election documents.

2000, c. 9, s. 117; 2001, c. 21, s. 12; 2004, c. 24, s. 2; 2007, c. 21, s. 20.

### Property of Her Majesty

**118.** Ballot boxes, ballots, envelopes and marking instruments procured for an election are the property of Her Majesty.

## SUPPLY OF ELECTION MATERIALS TO DEPUTY RETURNING OFFICER

### Materials to be supplied to deputy returning officers

**119.** (1) Before voting begins, each returning officer shall provide each deputy returning officer in his or her electoral district with

(a) enough ballots for at least the number of electors on the official list of electors for the deputy returning officer's polling station;

(b) a statement showing the number of ballots that are supplied, with their serial numbers;

(c) the necessary materials for electors to mark their ballots;

(d) an adequate number of templates, provided by the Chief Electoral Officer, to enable electors who are visually impaired to mark their ballots without assistance;

(e) a copy of the instructions of the Chief Electoral Officer referred to in section 113;

(f) the official list of electors for use at the polling station, enclosing it when possible in the ballot box with the ballots and other supplies;

(g) a ballot box;

(h) the text of the oaths to be administered to electors; and

(i) the necessary envelopes, forms and other supplies that may be authorized or provided by the Chief Electoral Officer.

### Safekeeping of election materials

(2) Until the opening of the poll, each deputy returning officer is responsible for all election materials in his or her possession and shall take every precaution for the safekeeping of those materials and to prevent any person from having unlawful access to them.

## POLLING STATIONS AND CENTRAL POLLING PLACES

### Establishment of polling stations

**120.** (1) Each returning officer shall, for polling day, establish one polling station for each polling division.

### Multiple polling stations

(2) No later than 3 days before a polling day, a returning officer may, with the prior approval of the Chief Electoral Officer, establish several polling stations for a polling division if, because of the number of electors on the list of electors for the polling division, the returning officer believes it necessary for the conduct of the vote, and each of those polling stations is to be designated by the number of the polling division to which is added the letter A, B, C and so on.

### Division of list of electors

(3) The returning officer shall divide the official list of electors for a polling division into as many separate lists as are required for the taking of the votes at each polling station.

### Certificate of returning officer

(4) To each portion of the official list of electors that is divided, the returning officer shall, before sending the



portion to the deputy returning officer for the polling station, append a certificate signed by the returning officer in the prescribed form attesting to its correctness.

#### Level access

**121.** (1) Subject to subsection (2), a polling station shall be in premises with level access.

#### Exception

(2) If a returning officer is unable to secure suitable premises with level access for use as a polling station, the returning officer may, with the prior approval of the Chief Electoral Officer, locate the polling station in premises without level access.

#### Voting compartments

(3) Each polling station shall contain one or two voting compartments arranged so that each elector is screened from observation and may, without interference or interruption, mark their ballot.

#### Table or desk

(4) Each voting compartment shall be placed on a hard and smooth surface and shall have in it a suitable black lead pencil for the use of electors in marking their ballots.

#### Polling station in adjacent polling division

**122.** (1) If a returning officer is unable to secure suitable premises to be used as a polling station within a polling division, the returning officer may establish a polling station in an adjacent polling division and all the provisions of this Act apply as if the polling station were within the polling division to which it appertains.

#### Polling station in school or other public building

(2) Whenever possible, a returning officer shall locate a polling station in a school or other suitable public building and shall locate the polling station or the polling stations in a central polling place, at a place or places in the building that will provide ease of access to electors.

#### Polling station in federal buildings

(3) A returning officer may require the officer in charge of a building owned or occupied by the Government of Canada to make premises in that building available for use as a polling station, and the officer to whom the requirement is directed shall make every reasonable effort to comply with the requirement.

#### Central polling place

**123.** (1) A returning officer may, if he or she considers it advisable, place several polling stations together in a central polling place.

#### Number of polling stations

(2) A returning officer shall not group together more than 15 polling stations in a central polling place without the prior approval of the Chief Electoral Officer.

#### Presumption

(3) On the establishment of a central polling place under subsection (1), all of the provisions of this Act apply as if each polling station at the central polling place were within the polling division to which it appertains.

#### Appointments at central polling place

**124.** (1) When a returning officer establishes a central polling place, the returning officer may appoint, with the prior approval of the Chief Electoral Officer,

(a) an information officer to provide information to the electors; and

(b) a person responsible for maintaining order.

#### Central poll supervisor

(2) When a returning officer establishes a central polling place that contains four or more polling stations, the returning officer may appoint a central poll supervisor to attend at the central polling place on polling day to supervise proceedings and keep the returning officer informed of any matter that adversely affects, or is likely to adversely affect, the proceedings.

#### Mobile polling station

**125.** (1) When a polling division consisting of two or more institutions is constituted under subsection 538(5), the returning officer may establish a mobile polling station to be located in each of those institutions successively.

#### Voting hours for mobile polling station

(2) The returning officer shall set the times during which a mobile polling station will be located in the institutions referred to in subsection (1).

#### Notice

(3) The returning officer shall give notice to the candidates of the itinerary of the mobile polling station in accordance with the instructions of the Chief Electoral Officer.

#### Provisions applicable to mobile polls

(4) Subject to the instructions of the Chief Electoral Officer, the provisions of this Act that relate to ordinary polls shall, in so far as they are applicable, apply to mobile polling stations.

## PROHIBITIONS

#### Prohibitions re ballots, etc.

**126.** No person shall

(a) forge a ballot;

(b) without authority under this Act, print a ballot or what purports to be or is capable of being used as a ballot at an election;

(c) being authorized under this Act to print a ballot, knowingly print more ballot papers than the person is authorized to print;

(d) print a ballot or what purports to be or is capable of being used as a ballot at an election with the intention of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast; or

(e) manufacture, import into Canada, have in possession, supply to an election officer, or use for the purpose of an election, or cause to be manufactured, imported into Canada, provided to an election officer, or used for the purposes of an election, a ballot box that contains a compartment into which a ballot may be secretly placed or a device by which a ballot may be secretly altered.

## PART 9

## VOTING

### VOTING OPPORTUNITIES

#### Manner of voting

**127.** An elector may vote

- (a) in person at a polling station on polling day;
- (b) in person at an advance polling station during the period provided for the advance poll; or
- (c) by means of a special ballot issued in accordance with Part 11.

## POLLING DAY

### *Hours*

#### Hours of voting

**128.** (1) The voting hours on polling day are

- (a) from 8:30 a.m. to 8:30 p.m., if the electoral district is in the Newfoundland, Atlantic or Central time zone;
- (b) from 9:30 a.m. to 9:30 p.m., if the electoral district is in the Eastern time zone;
- (c) from 7:30 a.m. to 7:30 p.m., if the electoral district is in the Mountain time zone; and
- (d) from 7:00 a.m. to 7:00 p.m., if the electoral district is in the Pacific time zone.

#### Exception — Saskatchewan

(2) Despite subsection (1), if polling day is during a time of the year when the rest of the country is observing daylight saving time, the voting hours in Saskatchewan are

- (a) in the case of an electoral district in the Central time zone, from 7:30 a.m. to 7:30 p.m.; and
- (b) in the case of an electoral district in the Mountain time zone, from 7:00 a.m. to 7:00 p.m.

#### Daylight-saving time

**129.** The Chief Electoral Officer may, if he or she considers it necessary, set the voting hours for the electoral district so that the opening and closing of its polls coincide with the opening and closing of the polls in other electoral districts in the same time zone.

#### When polls lie in two time zones

**130.** When more than one local time is observed in an electoral district, the returning officer shall, with the prior approval of the Chief Electoral Officer, determine one local time to be observed for every operation prescribed by this Act, and shall publish the hours in the Notice of Election referred to in section 62.

#### By-elections

**131.** If only one by-election is held or if more than one by-election is held on the same day and all of them are in the same time zone, the hours of voting are from 8:30 a.m. to 8:30 p.m.

### *Time to Employees for Voting*

#### Consecutive hours for voting

**132.** (1) Every employee who is an elector is entitled, during voting hours on polling day, to have three consecutive hours for the purpose of casting his or her vote and, if his or her hours of work do not allow for those three consecutive hours, his or her employer shall allow the time for voting that is necessary to provide those

three consecutive hours.

#### Time at convenience of employer

(2) The time that the employer shall allow for voting under subsection (1) is at the convenience of the employer.

#### Transportation companies

(3) This section and section 133 do not apply to an employee of a company that transports goods or passengers by land, air or water who is employed outside his or her polling division in the operation of a means of transportation, if the additional time referred to in subsection (1) cannot be allowed without interfering with the transportation service.

#### No penalty for absence from work to vote

**133.** (1) No employer may make a deduction from the pay of an employee, or impose a penalty, for the time that the employer shall allow for voting under subsection 132(1).

#### Hourly, piece-work or other basis of employment

(2) An employer who pays an employee less than the amount that the employee would have earned on polling day, had the employee continued to work during the time referred to in subsection 132(2) that the employer allowed for voting, is deemed to have made a deduction from the pay of the employee, regardless of the basis on which the employee is paid.

#### Prohibition

**134.** No employer shall, by intimidation, undue influence or by any other means, interfere with the granting to an elector in their employ of the three consecutive hours for voting, as provided for in section 132.

### *Proceedings at the Poll*

#### Who may be present at polling station

**135.** (1) The only persons who may be present at a polling station on polling day are

- (a) the deputy returning officer and the poll clerk;
- (b) the returning officer and his or her representatives;
- (c) the candidates;
- (d) two representatives of each candidate or, in their absence, two electors to represent each candidate;
- (e) an elector and a friend or relative who is helping him or her by virtue of subsection 155(1), only for the period necessary to enable the elector to vote; and
- (f) any observer or member of the Chief Electoral Officer's staff whom he or she authorizes to be present.

#### Delivery of representative's authorization

(2) When a representative of a candidate is admitted to a polling station, the representative shall deliver his or her written authorization from the candidate or the candidate's official agent in the prescribed form to the deputy returning officer.

#### Representative authorized in writing

(3) A representative bearing a written authorization referred to in subsection (2) is deemed to be a representative of the candidate within the meaning of this Act and is entitled to represent the candidate in preference to, and to the exclusion of, any elector who might otherwise claim the right to represent the candidate.

### Oath of secrecy

(4) Each representative of a candidate or each elector described in paragraph (1)(d), on being admitted to the polling station, shall take an oath in the prescribed form.

### Presence of representatives

**136.** (1) A candidate or the candidate's official agent may authorize any number of representatives of the candidate to be present at a polling station, but only two of each candidate's representatives may be present at any time.

### Representatives may absent themselves from poll

(2) A representative of a candidate, or an elector described in paragraph 135(1)(d), may leave a polling station at any time and return at any time before the counting of the votes begins and is not required to produce a new written authorization from the candidate or official agent or to take another oath.

### Examination of list of electors and conveying information

(3) A representative of a candidate may, during voting hours,

(a) examine the list of electors, provided that the representative does not delay an elector in casting his or her vote; and

(b) convey any information obtained by the examination referred to in paragraph (a) to a representative of the candidate who is on duty outside the polling station.

### Communications device

(4) A representative of a candidate shall not use a communications device at a polling station during voting hours.

### Candidate may act as representative

**137.** (1) A candidate may perform the duties of a representative of the candidate, or may assist the representative in the performance of those duties, and may be present at any place that the representative is authorized to attend under this Act.

### Non-attendance of representatives

(2) The non-attendance of a representative of a candidate at any time or place authorized by this Act does not in any way invalidate any act or thing done during the absence of the representative if the act or thing is otherwise duly done.

### Initiailling ballots

**138.** (1) Before a polling station opens on polling day, and in full view of the candidates or their representatives who are present at the polling station, the deputy returning officer shall initial the back of every ballot in the space indicated in Form 3 of Schedule 1, entirely in ink or entirely in black pencil so that when the ballot is folded the initials can be seen. The initials shall be as similar as possible on each ballot.

### Ballots not to be detached

(2) For the purpose of initiailling, the ballots shall not be detached from the books in which they are contained.

### Vote not to be delayed

(3) The opening of a polling station shall not be delayed for the purpose of initiailling the ballots. Ballots that are not initiailled when the polling station opens shall be initiailled as soon as possible and in all cases before being handed to electors.

### Counting of ballots before opening of poll

**139.** Candidates or their representatives who are in attendance at least 15 minutes before a polling station opens are entitled to have the ballots intended to be used at the polling station carefully counted in their presence and to inspect the ballots and all other documents relating to the vote.

#### Examining and sealing ballot box

**140.** When the polling station opens, the deputy returning officer shall, in full view of the candidates or their representatives who are present, open the ballot box and ascertain that it is empty, and shall

(a) seal the ballot box with the seals provided by the Chief Electoral Officer; and

(b) place the ballot box on a table in full view of all present and ensure that the box remains there until the polling station closes.

### *Admitting Voters*

#### Calling electors

**141.** Immediately after the ballot box is sealed, the deputy returning officer shall call on the electors to vote.

#### Electors not to be impeded

**142.** (1) The deputy returning officer shall ensure that every elector is admitted into the polling station and that the electors are not disturbed when they are in or near the polling station.

#### One elector at a time

(2) A deputy returning officer may, if he or she considers it advisable, direct that not more than one elector for each voting compartment may at any time enter the room where the voting is held.

#### Elector to declare name, etc.

**143.** (1) Each elector, on arriving at the polling station, shall give his or her name and address to the deputy returning officer and the poll clerk, and, on request, to a candidate or his or her representative.

#### Proof of identity and residence

(2) If the poll clerk determines that the elector's name and address appear on the list of electors or that the elector is allowed to vote under section 146, 147, 148 or 149, then, subject to subsection (3), the elector shall provide to the deputy returning officer and the poll clerk the following proof of his or her identity and residence:

(a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and address; or

(b) two pieces of identification authorized by the Chief Electoral Officer each of which establish the elector's name and at least one of which establishes the elector's address.

#### Clarification

(2.1) For greater certainty, the Chief Electoral Officer may authorize as a piece of identification for the purposes of paragraph (2)(b) any document, regardless of who issued it.

#### Person registered as an Indian

(2.2) For the purposes of paragraph (2)(b), a document issued by the Government of Canada that certifies that a person is registered as an Indian under the *Indian Act* constitutes an authorized piece of identification.

#### Oath

(3) An elector may instead prove his or her identity and residence by taking the prescribed oath if he or she is accompanied by an elector whose name appears on the list of electors for the same polling division and who

(a) provides to the deputy returning officer and the poll clerk the piece or pieces of identification referred to in paragraph (2)(a) or (b), respectively; and

(b) vouches for him or her on oath in the prescribed form.

#### Proof of residence

(3.1) If the address contained in the piece or pieces of identification provided under subsection (2) or paragraph (3)(a) does not prove the elector's residence but is consistent with information related to the elector that appears on the list of electors, the elector's residence is deemed to have been proven.

#### Request to take an oath

(3.2) Despite subsection (3.1), a deputy returning officer, poll clerk, candidate or candidate's representative who has reasonable doubts concerning the residence of an elector referred to in that subsection may request that the elector take the prescribed oath, in which case his or her residence is deemed to have been proven only if he or she takes that oath.

#### Voting

(4) If the deputy returning officer is satisfied that an elector's identity and residence have been proven in accordance with subsection (2) or (3), the elector's name shall be crossed off the list and, subject to section 144, the elector shall be immediately allowed to vote.

#### Prohibition — vouching for more than one elector

(5) No elector shall vouch for more than one elector at an election.

#### Prohibition — vouchee acting as voucher

(6) An elector who has been vouched for at an election may not vouch for another elector at that election.

#### Publication

(7) The Chief Electoral Officer shall publish each year, and within three days after the issue of a writ, in a manner that he or she considers appropriate, a notice setting out the types of identification that are authorized for the purpose of paragraph (2)(b). The first annual notice shall be published no later than six months after the coming into force of this subsection.

2000, c. 9, s. 143; 2007, c. 21, s. 21, c. 37, s. 1.

#### Requirement before administering oath

**143.1** If a person decides to prove his or her identity and residence by taking the prescribed oath, the person who administers the oath shall, before doing so, orally advise the oath taker of the qualifications for electors and the penalty that may be imposed under this Act on a person who is convicted of voting or attempting to vote at an election knowing that he or she is not qualified as an elector.

2007, c. 21, s. 21.

#### Proof of qualification as elector

**144.** A deputy returning officer, poll clerk, candidate or candidate's representative who has reasonable doubts concerning whether a person intending to vote is qualified as an elector may request that the person take the prescribed oath, and the person shall not be allowed to vote unless he or she takes that oath.

2000, c. 9, s. 144; 2007, c. 21, s. 21.

#### Proof of identity, etc., or oath not required

**144.1** Once an elector has been given a ballot, no person shall require the elector to prove his or her identity

and residence in accordance with subsection 143(2) or (3).

2007, c. 21, s. 21.

**145.** [Repealed, 2007, c. 21, s. 21]

#### Name and address corresponding closely to another

**146.** If a name and address in the list of electors correspond so closely with the name and address of a person who demands a ballot as to suggest that it is intended to refer to that person, the person shall not be allowed to vote unless he or she takes the prescribed oath.

2000, c. 9, s. 146; 2007, c. 21, s. 22.

#### Person in whose name another has voted

**147.** If a person asks for a ballot at a polling station after someone else has voted under that person's name, the person shall not be allowed to vote unless he or she takes the prescribed oath.

2000, c. 9, s. 147; 2007, c. 21, s. 22.

#### Name inadvertently crossed off list

**148.** If an elector claims that his or her name has been crossed off in error from an official list of electors under subsection 176(2) or (3), the elector shall not be allowed to vote unless the returning officer verifies that the elector's name was crossed off in error or the elector takes the oath referred to in section 147.

2000, c. 9, s. 148; 2007, c. 21, s. 22.

#### Failure to prove identity or residence

**148.1** (1) An elector who fails to prove his or her identity and residence in accordance with subsection 143(2) or (3) or to take an oath otherwise required by this Act shall not receive a ballot or be allowed to vote.

#### When elector refuses to take improper oath

(2) If an elector refuses to take an oath because he or she is not required to do so under this Act, the elector may appeal to the returning officer. If, after consultation with the deputy returning officer or the poll clerk of the polling station, the returning officer decides that the elector is not required to take the oath, and if the elector is entitled to vote in the polling division, the returning officer shall direct that he or she be allowed to do so.

2007, c. 21, s. 22.

#### Elector not allowed to vote

**149.** An elector whose name does not appear on the official list of electors in his or her polling station shall not be allowed to vote unless

(a) the elector gives the deputy returning officer a transfer certificate described in section 158 or 159 and, for a certificate described in subsection 158(2), fulfils the conditions described in subsection 158(3);

(b) the deputy returning officer ascertains with the returning officer that the elector is listed on the preliminary list of electors or was registered during the revision period; or

(c) the elector gives the deputy returning officer a registration certificate described in subsection 161(4).

2000, c. 9, s. 149; 2007, c. 21, s. 23.



## *Voting Procedure*

### *Delivery of ballot to elector*

**150.** (1) Every elector who is admitted to vote shall be given a ballot by the deputy returning officer.

### *Instructions to elector on receiving ballot*

(2) The deputy returning officer shall explain to each elector how to indicate his or her choice and fold the ballot so that its serial number and the initials of the deputy returning officer are visible and shall direct the elector to return the marked and folded ballot.

### *Manner of voting*

**151.** (1) An elector shall, after receiving a ballot,

(a) proceed directly to the voting compartment;

(b) mark the ballot with a cross or other mark in the circular space opposite the name of the candidate of his or her choice;

(c) fold the ballot as instructed by the deputy returning officer; and

(d) return the ballot to the deputy returning officer.

### *Return of ballot*

(2) The deputy returning officer shall, on receiving the ballot from the elector,

(a) without unfolding the ballot, verify that it is the same one that was handed to the elector by examining its serial number and the initials on it;

(b) remove and destroy the counterfoil in full view of the elector and all other persons present; and

(c) return the ballot to the elector to deposit in the ballot box or, at the elector's request, deposit it in the ballot box.

### *Spoiled ballot*

**152.** (1) If an elector has inadvertently handled a ballot in such a manner that it cannot be used, the elector shall return it to the deputy returning officer who shall mark it as a spoiled ballot, place it in the envelope supplied for the purpose and give the elector another ballot.

### *Limit*

(2) An elector shall not be given more than one ballot under subsection (1).

### *No delay in voting*

**153.** (1) Every elector shall vote without delay and leave the polling station as soon as his or her ballot has been put into the ballot box.

### *Electors present at close of voting hours allowed to vote*

(2) An elector who is entitled to vote at a polling station and who is in the polling station or in line at the door at the close of voting hours shall be allowed to vote.

## *Special Voting Procedures*

### Assistance by deputy returning officer

**154.** (1) The deputy returning officer, on request by an elector who is unable to vote in the manner prescribed by this Act because he or she cannot read or has a physical disability, shall assist the elector in the presence of the poll clerk.

### Template

(2) The deputy returning officer shall, on request, provide a template to an elector who has a visual impairment to assist him or her in marking his or her ballot.

### Assistance by friend or related person

**155.** (1) If an elector requires assistance to vote, a friend, the spouse, the common-law partner or a relative of the elector or a relative of the elector's spouse or common-law partner may accompany the elector into the voting compartment and assist the elector to mark his or her ballot.

### Exception

(2) No person shall as a friend assist more than one elector for the purpose of marking a ballot.

### Oath

(3) A person described in subsection (1) who wishes to assist an elector in marking a ballot shall first take an oath, in the prescribed form, that he or she

- (a) will mark the ballot paper in the manner directed by the elector;
- (b) will not disclose the name of the candidate for whom the elector voted;
- (c) will not try to influence the elector in choosing a candidate; and
- (d) has not, during the current election, assisted another person, as a friend, to mark a ballot.

### Prohibition — failure to maintain secrecy

(4) No person who assists an elector under this section shall, directly or indirectly, disclose the candidate for whom the elector voted.

2000, c. 9, s. 155, c. 12, s. 40.

### Use of interpreter

**156.** A deputy returning officer may appoint and swear a language or sign language interpreter to assist the officer in communicating to an elector any information that is necessary to enable him or her to vote.

### Elector who is confined to bed

**157.** (1) At a polling station that has been established in a home for the aged or in a chronic care facility, when the deputy returning officer considers it necessary, the deputy returning officer and the poll clerk shall

- (a) suspend temporarily the voting in the polling station; and
- (b) with the approval of the person in charge of the institution, carry the ballot box, ballots and other necessary election documents from room to room in the institution to take the votes of electors who are confined to bed and ordinarily resident in the polling division in which the institution is situated.

### Procedure for taking the votes

(2) When the vote of an elector who is confined to bed is taken, the deputy returning officer shall give the elector the assistance necessary to enable the elector to vote, and not more than one representative of each candidate

may be present.

## *Transfer Certificates*

### Transfer certificate for candidate

**158.** (1) A candidate whose name appears on the list of electors for a polling station is entitled on request to receive a transfer certificate to vote at another polling station in the same electoral district.

### Transfer certificate for election officer

(2) A returning officer or an assistant returning officer shall issue a 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.

### Condition

(3) A transfer certificate issued under subsection (2) authorizes the person to vote at the polling station named in it only if, on polling day, the person performs the duty specified in the certificate at the place mentioned in the certificate.

### Transfer certificate for elector whose polling station has moved

(4) If an elector's polling station moves to another location after the notice of confirmation of registration has been sent, an elector who attends at the polling station set out in the notice is entitled on request to receive a transfer certificate to vote at that polling station.

2000, c. 9, s. 158; 2007, c. 21, s. 24.

### Transfer certificate for elector with a disability

**159.** (1) 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 certificate to vote at another polling station with level access in the same electoral district.

### Application requirements

(2) The application shall be in the prescribed form and shall be personally delivered to the returning officer or assistant returning officer for the elector's electoral district by the elector, his or her friend, spouse, common-law partner or relative, or a relative of his or her spouse or common-law partner.

### Issue of transfer certificate to disabled elector

(3) The returning officer or assistant returning officer shall issue a transfer certificate in the prescribed form, and hand the certificate to the person who delivered the application to the officer, if the officer is satisfied that

(a) the elector's name appears on a list of electors for the electoral district; and

(b) the polling station established for the polling division in which the elector resides does not have level access.

2000, c. 9, s. 159, c. 12, s. 40; 2007, c. 21, s. 25.

### Signing, numbering and recording transfer certificate

**160.** The returning officer or assistant returning officer by whom a transfer certificate is issued shall

(a) fill in and sign the certificate and mention on it the date of its issue;

(b) consecutively number the certificate in the order of its issue;

- (c) keep a record of the certificate in the order of its issue on the prescribed form;
- (d) not issue the certificate in blank; and
- (e) if possible, send a copy of the certificate to the deputy returning officer for the polling station on whose list of electors the name of the person to whom the certificate has been issued appears.

## *Polling Day Registration*

### Registration in person

**161.** (1) An elector whose name is not on the list of electors may register in person on polling day if the elector

(a) provides as proof of his or her identity and residence the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, which piece or one of which pieces must contain an address that proves his or her residence; or

(b) proves his or her identity and residence by taking the prescribed oath, and is accompanied by an elector whose name appears on the list of electors for the same polling division and who

(i) provides the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, which piece or one of which pieces must contain either an address that proves his or her residence or an address that is consistent with information related to him or her that appears on the list of electors, and

(ii) vouches for him or her on oath in the prescribed form, which form must include a statement as to the residence of both electors.

### Place of registration

(2) Where subsection (1) applies, the registration may take place before

(a) a registration officer at a registration desk established under subsection 39(1); or

(b) a deputy returning officer at a polling station with respect to which the Chief Electoral Officer determines that the officer be authorized to receive registrations.

### Representative of each candidate

(3) In the case of a registration under paragraph (2)(a), the registration officer shall permit one representative of each candidate in the electoral district to be present.

### Registration certificate

(4) Where the elector satisfies the requirements of subsection (1), the registration officer or deputy returning officer, as the case may be, shall complete a registration certificate in the prescribed form authorizing the elector to vote and the elector shall sign it.

### List deemed to be modified

(5) When a registration certificate is given under subsection (4), the list of electors is deemed, for the purposes of this Act, to have been modified in accordance with the certificate.

### Prohibition — vouching for more than one elector

(6) No elector shall vouch for more than one elector at an election.

### Prohibition — vouchee acting as voucher

(7) An elector who has been vouched for at an election may not vouch for another elector at that election.

2000, c. 9, s. 161; 2007, c. 21, s. 26, c. 37, s. 2.

### Requirement before administering oath

**161.1** If a person decides to prove his or her identity and residence by taking the prescribed oath, the person who administers the oath shall, before doing so, orally advise the oath taker of the qualifications for electors.

2007, c. 21, s. 27.

## *Duties of Poll Clerk*

### Duties of poll clerk

**162.** Each poll clerk shall

(a) make, on the prescribed form, the entries that the deputy returning officer directs under this Act;

(b) as soon as the elector's ballot has been deposited in the ballot box, indicate, beside the name of the elector on the list of electors, that the elector has voted;

(c) indicate, if applicable, on the prescribed form that the elector has voted under a transfer certificate issued under section 158 or 159 and give the number of the certificate;

(d) indicate, if applicable, on the prescribed form that the elector has voted, under paragraph 149(b), without his or her name being on the official list of electors;

(e) indicate, if applicable, on the prescribed form that the elector has voted under section 146;

(f) indicate, if applicable, on the prescribed form that the elector has taken an oath and the type of oath;

(g) indicate, if applicable, on the prescribed form that the elector refused to comply with a legal requirement to provide the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, or to take an oath;

(h) indicate, if applicable, on the prescribed form that the elector has been allowed to vote under subsection 148.1(2);

(i) indicate, if applicable, on the prescribed form that an elector has voted in the circumstances described in section 147, that the prescribed oath has been taken or that any other oath that was required to be taken was taken, note any objection that was made on behalf of any of the candidates and indicate the candidate's name;

(i.1) on request, and at intervals of no less than 30 minutes, provide to a candidate's representative, on the prescribed form and as directed by the Chief Electoral Officer, the identity of every elector who has exercised his or her right to vote on polling day, excluding that of electors who registered on that day;

(i.2) on request, after the close of the advance polling station, provide to a candidate's representative, on the prescribed form and as directed by the Chief Electoral Officer, the identity of every elector who has exercised his or her right to vote on that day excluding that of electors who registered on that day; and

(j) indicate, if applicable, on the prescribed form, that an elector has voted under a registration certificate issued under subsection 161(4).

2000, c. 9, s. 162; 2007, c. 21, s. 28.

## *Secrecy*

### Secret vote

**163.** The vote is secret.

### Secrecy during and after poll

**164.** (1) Every candidate, election officer or representative of a candidate present at a polling station or at the counting of the votes shall maintain the secrecy of the vote.

### Secrecy at the poll

(2) Except as provided by this Act, no elector shall

(a) on entering the polling station and before receiving a ballot, openly declare for whom the elector intends to vote;

(b) show his or her ballot, when marked, so as to allow the name of the candidate for whom the elector has voted to be known; or

(c) before leaving the polling station, openly declare for whom the elector has voted.

### Procedure in case of contravention of secrecy

(3) It is the duty of each deputy returning officer to draw the attention of any elector to an offence that the elector commits in contravening subsection (2) and to the punishment to which the elector is liable, but the elector shall be allowed to vote in the usual way if he or she has not already done so.

## PROHIBITIONS

### Prohibition — use of loudspeakers on polling day

**165.** No person shall use a loudspeaking device within hearing distance of a polling station on polling day for the purpose of promoting or opposing a political party that is listed on the ballot under the name of a candidate or the election of a candidate.

2000, c. 9, s. 165; 2001, c. 21, s. 13.

### Prohibitions — emblems, etc., in polling station

**166.** (1) No person shall

(a) post or display in, or on the exterior surface of, a polling place any campaign literature or other material that could be taken as an indication of support for or opposition to a political party that is listed on the ballot under the name of a candidate or the election of a candidate;

(b) while in a polling station, wear any emblem, flag, banner or other thing that indicates that the person supports or opposes any candidate or political party that is listed on the ballot under the name of a candidate, or the political or other opinions entertained, or supposed to be entertained, by the candidate or party; and

(c) in a polling station or in any place where voting at an election is taking place, influence electors to vote or refrain from voting or vote or refrain from voting for a particular candidate.

### Exception

(2) Despite paragraph (1)(b), a representative of a candidate in a polling station may, in the manner authorized by the Chief Electoral Officer, wear a badge identifying his or her function and the name of the political party that is listed on the ballot under the name of the candidate.

2000, c. 9, s. 166; 2001, c. 21, s. 14.

#### Prohibitions re ballots, etc.

**167.** (1) No person shall

- (a) apply for a ballot in a name that is not his or her own;
- (b) use a forged ballot;
- (c) knowing that he or she is without authority under this Act to do so, provide a ballot to any person; or
- (d) knowing that he or she is without authority under this Act to do so, have a ballot in his or her possession.

#### Other prohibitions

(2) No person shall wilfully

- (a) alter, deface or destroy a ballot or the initials of the deputy returning officer signed on a ballot;
- (b) put or cause to be put into a ballot box a ballot or other paper otherwise than as provided by this Act;
- (c) take a ballot out of the polling station; or
- (d) destroy, take, open or otherwise interfere with a ballot box or book or packet of ballots.

#### Prohibitions — deputy returning officers

(3) No deputy returning officer shall

- (a) with the intent of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast, put his or her initials on the back of any paper purporting to be or capable of being used as a ballot at an election; or
- (b) place on any ballot any writing, number or mark, with intent that the elector to whom the ballot is to be, or has been, given may be identified.

## PART 10 ADVANCE POLLING

### ESTABLISHMENT OF ADVANCE POLLING STATIONS

#### Establishment of advance polling districts

**168.** (1) Each returning officer shall, as directed by the Chief Electoral Officer, establish in his or her electoral district advance polling districts that consist of one or more polling divisions.

#### Description of districts

(2) The returning officer shall give the Chief Electoral Officer a description of each advance polling district that is established.

#### Establishment of advance polling station

(3) An advance polling station shall be established in each advance polling district.

#### Combining advance polling districts

(4) When a request is made to a returning officer not later than four days after the issue of the writ, the returning officer may, with the permission of the Chief Electoral Officer, combine two advance polling districts into one

district.

#### Request to move an advance polling station

(5) When a request is made to a returning officer not later than four days after the issue of the writ to change the location of an advance polling station, the returning officer, with the prior approval of the Chief Electoral Officer, may do so.

#### Level access

(6) An advance polling station shall be in premises with level access.

#### Exception

(7) If a returning officer is unable to secure suitable premises with level access for use as an advance polling station, the returning officer may, with the prior approval of the Chief Electoral Officer, locate the advance polling station in premises without level access.

2000, c. 9, s. 168; 2007, c. 21, s. 29.

## REGISTRATION

#### Registration at advance polling station

**169.** (1) Every elector whose name is not on the revised list of electors may register in person before the deputy returning officer in the advance polling station where the elector is entitled to vote.

#### Conditions

(2) An elector shall not be registered unless he or she

(a) provides as proof of his or her identity and residence the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, which piece or one of which pieces must contain an address that proves his or her residence; or

(b) proves his or her identity and residence by taking the prescribed oath, and is accompanied by an elector whose name appears on the list of electors for the same polling division and who

(i) provides the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, which piece or one of which pieces must contain either an address that proves his or her residence or an address that is consistent with information related to him or her that appears on the list of electors, and

(ii) vouches for him or her on oath in the prescribed form, which form must include a statement as to the residence of both electors.

#### Registration certificate

(3) If the elector satisfies the requirements of subsection (2), the deputy returning officer shall complete a registration certificate in the prescribed form and the elector shall sign it.

#### Entry

(4) The poll clerk shall indicate on the prescribed form the names of the electors who are permitted to vote under this section.

#### Prohibition — vouching for more than one elector

(5) No elector shall vouch for more than one elector at an election.

#### Prohibition — vouchee acting as voucher

(6) An elector who has been vouched for at an election may not vouch for another elector at that election.



2000, c. 9, s. 169; 2007, c. 21, s. 30, c. 37, s. 3.

#### Requirement before administering oath

**169.1** If a person chooses to prove his or her identity and residence by taking the prescribed oath, the person who administers the oath shall, before doing so, orally advise the oath taker of the qualifications for electors.

2007, c. 21, s. 31.

#### List deemed to be modified

**170.** When a registration certificate is completed and signed in accordance with subsection 169(3), the list of electors is deemed to have been modified in accordance with the certificate.

## VOTING PROCEDURE

#### Conduct of advance polls

**171.** (1) Except as provided in this Part, an advance poll shall be conducted in the same manner as the manner in which the vote at a polling station on polling day is conducted and shall be regarded as such for all purposes of this Act.

#### When advance polls to be open

(2) An advance poll shall only be open between the hours of noon and 8:00 p.m. on Friday, Saturday and Monday, the 10th, 9th and 7th days, respectively, before polling day.

#### Notice of advance poll

**172.** Each returning officer shall, not later than Saturday, the 16th day before polling day,

(a) give a notice, in the prescribed form, in the electoral district of the advance poll, that sets out the following information:

- (i) the numbers of the polling divisions in every advance polling district established by the returning officer,
- (ii) the location of each advance polling station,
- (iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at the advance polling station, and
- (iv) that the counting of the votes cast shall take place on polling day as soon after the close of the polling stations as possible; and

(b) send two copies of the notice to each candidate and to the Chief Electoral Officer.

#### Who may vote at advance polls

**173.** (1) An elector whose name is on the revised list of electors for a polling division in an advance polling district may vote at the advance polling station established for the advance polling district.

#### Elector not on the revised list

(2) An elector whose name is not on the revised list of electors may not vote at an advance polling station unless

(a) the deputy returning officer has ascertained with the returning officer that the elector is listed on the preliminary list of electors or was registered during the revision period; or

(b) the elector has obtained a registration certificate in accordance with subsection 169(3).

### Procedure by poll clerk

(3) If an elector whose name does not appear on the revised list of electors has voted, the poll clerk shall indicate on the prescribed form that the elector has voted in accordance with subsection (2).

2000, c. 9, s. 173; 2007, c. 21, s. 32.

### Duties of deputy returning officer

**174.** (1) If an elector whose name is on the list of electors makes a request to vote at an advance polling station that is established for his or her polling division, the deputy returning officer shall permit the elector to vote unless

(a) the elector fails to prove his or her identity and residence in accordance with subsection 143(2) or (3) or to take an oath otherwise required by this Act; or

(b) the person refuses to sign the record of votes cast at an advance polling station referred to in subsection (2), as directed by the poll clerk under that subsection.

### Record of votes cast

(2) The poll clerk at the advance polling station shall, under the direction of the deputy returning officer, keep a record in duplicate, in the prescribed form, of the names of all persons who vote at the advance polling station, in the order in which they vote, and shall

(a) mark on the record the notations that the poll clerk is required by this Act to make opposite an elector's name at a polling station on polling day; and

(b) direct the elector to sign the record opposite his or her name.

2000, c. 9, s. 174; 2007, c. 21, s. 33.

### Examining and sealing of ballot box

**175.** (1) At the opening of an advance polling station at noon on the first day of voting, the deputy returning officer shall, in full view of the candidates or their representatives who are present,

(a) open the ballot box and ascertain that it is empty;

(b) seal the ballot box with the seals provided by the Chief Electoral Officer; and

(c) place the ballot box on a table in full view of all present and keep it there until the close of the advance polling station on that day.

### Close of advance poll

(2) At the close of the advance polling station at 8:00 p.m. on each of the three days of voting, the deputy returning officer shall, in full view of the candidates or their representatives who are present,

(a) unseal and open the ballot box;

(b) empty the ballots cast during that day, in a manner that does not disclose for whom any elector has voted, into the envelope supplied for the purpose, seal the envelope with the seal provided by the Chief Electoral Officer and indicate on it the number of ballots contained in it;

(c) count the spoiled ballots, place them in the envelope supplied for the purpose, seal the envelope and indicate on it the number of spoiled ballots contained in it;

(d) count the unused ballots and the number of electors who have voted at the advance polling station and place the unused ballots and a copy of the record of votes cast at the advance polling station in the envelope supplied for the purpose, seal the envelope with the seal provided by the Chief Electoral Officer and indicate

on it the number of unused ballots contained in it and the number of electors who have voted; and

(e) place the envelopes referred to in paragraphs (b) to (d) in the ballot box after the signatures have been made as described in subsection (3), and seal the ballot box.

#### Affixing of signatures

(3) The deputy returning officer and poll clerk shall place their signatures on the seals affixed to the envelopes referred to in paragraphs (2)(b) to (d). The candidates or their representatives who are present may also place their signatures on the seals.

#### Re-opening of advance poll

(4) At the re-opening of the advance polling station at noon on the 2nd and 3rd days of voting, the deputy returning officer shall, in full view of the candidates or their representatives who are present,

(a) unseal and open the ballot box, leaving in it the sealed envelopes containing the spoiled ballots and the ballots cast on the previous day or days of voting;

(b) take out and open the envelope that contains the unused ballots and the record of votes cast at the advance polling station; and

(c) seal the ballot box, place it on the table in full view of all present and keep it there until the close of the advance polling station on that day.

#### Custody of ballot box

(5) In the intervals between voting hours at the advance polling station and until the counting of the ballots on polling day, the deputy returning officer shall keep the sealed ballot box in his or her custody.

#### Candidates may check seals

(6) When an advance polling station closes on each of the three days of the vote, the candidates or their representatives may take note of the serial number of the seal on the ballot box, and may again take note of the serial number when the advance polling station is re-opened on each of the three days of voting and when the votes are counted on polling day.

#### Collecting the record of votes cast at an advance polling station

**176.** (1) As soon as possible after the close of advance polling stations on Monday, the 7th day before polling day, the returning officer shall have the original copy of the record of votes cast collected from the advance polling stations.

#### Crossing off names of voters at advance polls from lists

(2) Without delay after the returning officer collects the records of votes cast at advance polling stations, he or she shall cross off the lists of electors the names of all electors who voted at the advance polling stations.

#### When lists already distributed

(3) If an official list of electors is sent to a polling station containing the names of electors that appear in the record of votes cast at an advance polling station as having already voted, the returning officer shall instruct the deputy returning officer to cross their names off the list, and the deputy returning officer shall do so without delay.

## PART 11

### SPECIAL VOTING RULES

#### INTERPRETATION AND APPLICATION

## Definitions

177. The definitions in this section apply in this Part.

"administrative centre"  
«*centre administratif* »

"administrative centre" means an area established under section 180 for the distribution of materials and the provision of information.

"application for registration and special ballot"  
«*demande d'inscription et de bulletin de vote spécial* »

"application for registration and special ballot" means an application completed by an elector, other than a Canadian Forces elector, in order to vote under this Part.

"Canadian Forces elector"  
«*électeur des Forces canadiennes* »

"Canadian Forces elector" means an elector who is entitled to vote under Division 2.

"commanding officer"  
«*commandant* »

"commanding officer" means the commanding officer of a unit.

"coordinating officer"  
«*agent coordonnateur* »

"coordinating officer" means the person so designated by the Minister of National Defence under subsection 199(1) or a person so designated by the minister responsible for corrections in a province under section 246.

"deputy returning officer"  
«*scrutateur* »

"deputy returning officer" means an elector so designated in accordance with this Part by a commanding officer or returning officer.

"incarcerated elector"  
«*électeur incarcéré* »

"incarcerated elector" means an elector who is incarcerated in a correctional institution.

"inner envelope"  
«*enveloppe intérieure* »

"inner envelope" means an envelope that is supplied by the Chief Electoral Officer in which a ballot is to be enclosed after it has been marked.

"liaison officer"  
«*agent de liaison* »

"liaison officer" means a Canadian Forces elector designated under section 201 or a person appointed under subsection 248(1).

"outer envelope"  
«*enveloppe extérieure* »

"outer envelope" means an envelope that is supplied by the Chief Electoral Officer for the transmission of a ballot after it has been marked and enclosed in an inner envelope.

"special ballot"  
«*bulletin de vote spécial* »

"special ballot" means a ballot, other than a ballot referred to in section 241, that is supplied to an elector who is

entitled to vote under this Part.

"special ballot officer"  
«*agent des bulletins de vote spéciaux*»

"special ballot officer" means a person who is appointed by the Chief Electoral Officer under section 183 or 184.

"special voting rules administrator"  
«*administrateur des règles électorales spéciales*»

"special voting rules administrator" means a person who is appointed under section 181.

"statement of ordinary residence"  
«*déclaration de résidence habituelle*»

"statement of ordinary residence" means a statement completed under section 194 or 195.

"unit"  
«*unité*»

"unit" has the same meaning as in subsection 2(1) of the *National Defence Act* and includes a base or other element.

"voting territory"  
«*territoire de vote*»

"voting territory" means an area that is established by or under section 180.

### Application

**178.** (1) The voting procedures contained in this Part apply to general elections only.

### Exception

(2) The Chief Electoral Officer may, by instructions, adapt this Part so that any or all of its provisions apply to a by-election.

### Instructions

**179.** For the purpose of applying this Part to, or adapting any provision of this Part in respect of, a particular circumstance, the Chief Electoral Officer may issue any instructions that he or she considers necessary in order to execute its intent.

## DIVISION 1

### ADMINISTRATION AND GENERAL PROCEDURES

#### Establishment of voting territories

**180.** For the purpose of this Part, a voting territory with headquarters in Ottawa is hereby established. The Chief Electoral Officer may establish any additional voting territories or administrative centres in or outside Canada that he or she considers appropriate.

#### Appointment of special voting rules administrator

**181.** The Chief Electoral Officer shall appoint, in the prescribed form, a special voting rules administrator.

#### Duties of special voting rules administrator

**182.** The special voting rules administrator shall

- (a) secure suitable premises;
- (b) retain the oath of office of each special ballot officer;
- (c) obtain from the liaison officers the lists prepared under paragraph 204(1)(b);
- (d) obtain from the liaison officers the lists of the names of deputy returning officers that the commanding officers are required to provide;
- (e) distribute the election materials and the list of candidates;
- (f) receive, validate, examine and sort the completed outer envelopes that contain special ballots marked by electors;
- (g) proceed with the counting of the votes of electors; and
- (h) communicate the results of the votes cast in accordance with this Part.

### Special ballot officers

**183.** (1) After the issue of the writs, the Chief Electoral Officer shall appoint a minimum of six special ballot officers as follows:

- (a) three, on the recommendation of the Prime Minister or a person whom the Prime Minister designates in writing;
- (b) two, on the recommendation of the Leader of the Opposition or a person whom that Leader designates in writing; and
- (c) one, on the recommendation of the Leader of the registered party that has the third largest number of members in the House of Commons as of the last general election, or a person whom that Leader designates in writing.

### Appointment of special ballot officers

(2) A special ballot officer shall be appointed in the prescribed form.

### Appointment of additional special ballot officers

**184.** (1) If the Chief Electoral Officer is of the opinion that the number of special ballot officers appointed under section 183 is insufficient, the Chief Electoral Officer shall appoint additional special ballot officers on recommendations that are, as nearly as possible, in accordance with subsection 183(1).

### Decision of Chief Electoral Officer

(2) If the registered parties do not nominate the additional special ballot officers under subsection (1) within 24 hours after notification by the Chief Electoral Officer, the Chief Electoral Officer shall make the appointments from among individuals that he or she selects.

### Merger of parties

**185.** (1) In the case of a merger of two or more of the registered parties that are represented by the Prime Minister, the Leader of the Opposition or the Leader of the registered party that has the third largest number of members in the House of Commons as of the last general election, the person who may recommend special ballot officers under paragraph 183(1)(c) is the leader of the registered party with the largest number of members in the House of Commons as of the last general election among registered parties other than those three.

### Decision of Chief Electoral Officer

(2) In the case of a merger referred to in subsection (1), if there is no registered party whose leader may nominate

special ballot officers under paragraph 183(1)(c), the Chief Electoral Officer shall make the appointments from among individuals that he or she considers appropriate.

#### Form of special ballots

**186.** Special ballots supplied by the Chief Electoral Officer to electors under this Part shall be in accordance with Form 4 of Schedule 1.

#### List of candidates

**187.** The Chief Electoral Officer shall establish a list of candidates nominated in each electoral district and, in accordance with section 117, set out the political affiliation of each of them.

#### Delivery of list of candidates

**188.** Without delay after a list of candidates is established under section 187, the Chief Electoral Officer shall deliver a sufficient number of copies of it to the liaison officers.

#### Distribution of election materials, etc.

**189.** The special voting rules administrator shall distribute to commanding officers and, as the special voting rules administrator considers appropriate, to any other person or to any place

(a) without delay after the writs are issued, a sufficient quantity of election materials, including street indexes and guides to electoral districts for the purpose of determining in which electoral district an elector is entitled to vote; and

(b) without delay after a list of candidates is established under section 187, a sufficient number of copies of it.

## DIVISION 2

### CANADIAN FORCES ELECTORS

#### *Definitions*

##### Definitions

**190.** The definitions in this section apply in this Division.

"elector"  
«*électeur*»

"elector" means a person who is a Canadian Forces elector under section 191.

"voting period"  
«*période de scrutin*»

"voting period" means the period beginning 14 days before polling day and ending 9 days before polling day.

#### *Voting Entitlement and Electoral Districts*

##### Canadian Forces electors

**191.** Any of the following persons is a Canadian Forces elector if he or she is qualified as an elector under section 3 and is not disqualified from voting at an election under section 4:

(a) a member of the regular force of the Canadian Forces;

(b) a member of the reserve force of the Canadian Forces on full-time training or service or on active service;

(c) a member of the special force of the Canadian Forces; and

(d) a person who is employed outside Canada by the Canadian Forces as a teacher in, or as a member of the administrative support staff for, a Canadian Forces school.

#### Voting limited to electoral district of ordinary residence

**192.** An elector is only entitled to vote under this Division for a candidate in the electoral district that includes the place of ordinary residence that the elector has named in his or her statement of ordinary residence.

#### Voting in actual place of ordinary residence

**193.** An elector who has not voted under this Division may vote at the polling station established for the polling division of the elector's place of ordinary residence named in section 192 but only if he or she ordinarily resides in the electoral district referred to in that section as of polling day.

### *Statement of Ordinary Residence*

#### Completion on enrolment, etc.

**194.** (1) In order to vote under this Division, a person shall, without delay after becoming an elector described in paragraph 191(a), (c) or (d) by virtue of his or her being enrolled in or hired by the Canadian Forces, complete a statement of ordinary residence in the prescribed form that indicates

(a) his or her surname, given names, sex and rank;

(b) his or her date of birth;

(c) the civic address of his or her place of ordinary residence in Canada immediately before the enrolment or hiring; and

(d) his or her current mailing address.

#### Completion on becoming ordinarily resident

(2) A person who cannot complete a statement of ordinary residence under subsection (1) because he or she did not have a place of ordinary residence in Canada when enrolled in or hired by the Canadian Forces shall, without delay after being able to indicate a place referred to in paragraph (4)(a) or (b) as his or her place of ordinary residence, complete a statement of ordinary residence in accordance with subsection (1), indicating that place as his or her place of ordinary residence.

#### Members of Canadian Forces not entitled to vote

(3) A person who was not qualified as an elector at an election when enrolled in or hired by the Canadian Forces shall, without delay after becoming qualified, complete a statement of ordinary residence in accordance with subsection (1) that indicates a place of ordinary residence described in subsection (4).

#### Change of ordinary residence, etc.

(4) An elector may amend the information in his or her statement of ordinary residence and may indicate as a place of ordinary residence the civic address of

(a) the place of ordinary residence of the spouse, the common-law partner, a relative or a dependant of the eligible elector, a relative of his or her spouse or common-law partner or a person with whom the elector would live but for his or her being enrolled in or hired by the Canadian Forces;

(b) the place where the member is residing by reason of his or her performance of services as a member of the Canadian Forces; or



(c) the elector's place of ordinary residence immediately before being enrolled in or hired by the Canadian Forces.

#### When no statement completed

(5) An elector described in subsection (1), (2) or (3) who has not completed a statement of ordinary residence in accordance with subsection (1) may do so at any time.

#### Coming into force of amendments

(6) An amendment to a statement of ordinary residence takes effect

(a) if it is made during an election period, 14 days after polling day; and

(b) if it is made at any other time, 60 days after the commanding officer of the elector's unit receives it.

#### Optional information

(7) In addition to the information specified in subsection (1), the Chief Electoral Officer may invite the elector to provide other information that the Chief Electoral Officer considers necessary to implement agreements made under section 55, but the elector is not required to provide that information.

2000, c. 9, s. 194, c. 12, s. 40.

#### Completion by reserve member not on active service

**195.** (1) A member of the reserve force of the Canadian Forces who is not on active service and who, at any time during the period beginning on the issue of the writs and ending on the Saturday immediately before polling day, is on full-time training or service, shall complete a statement of ordinary residence in the prescribed form that indicates

(a) the member's surname, given names, sex and rank;

(b) the member's date of birth;

(c) the civic address of the member's place of ordinary residence in Canada immediately before that full-time training or service began; and

(d) the member's current mailing address.

#### Completion by reserve member on active service

(2) Every member of the reserve force of the Canadian Forces who is placed on active service, other than a member who immediately before being placed on active service was on full-time training or service and completed a statement of ordinary residence in accordance with subsection (1) after that full-time training or service began, shall complete a statement of ordinary residence in the same form as in subsection (1) that indicates

(a) the member's surname, given names, sex and rank;

(b) the member's date of birth;

(c) the civic address of the member's place of ordinary residence in Canada immediately before the member was placed on active service; and

(d) the member's current mailing address.

#### Members of reserve force not entitled to vote

(3) A member of the reserve force of the Canadian Forces referred to in subsection (1) or (2) who was not qualified as an elector at an election while on full-time training or service shall, without delay after becoming

qualified, complete a statement of ordinary residence in accordance with subsection (1) or (2), as the case may be, that indicates a place of ordinary residence described in subsection (4).

#### Change of ordinary residence, etc.

(4) An elector may amend the information in his or her statement of ordinary residence and may indicate as a place of ordinary residence the civic address of

- (a) the place of ordinary residence of a person with whom the elector would live but for his or her being on training or service or a person designated by the elector as next of kin;
- (b) the place where the elector is residing by reason of his or her being on training or service; or
- (c) the elector's place of ordinary residence immediately before being on training or service.

#### When no statement completed

(5) An elector described in subsection (1), (2) or (3) who has not completed a statement of ordinary residence in accordance with subsection (1) or (2), as the case may be, may do so at any time.

#### Coming into force of amendments

(6) An amendment to a statement of ordinary residence takes effect

- (a) if it is made during an election period, 14 days after polling day; and
- (b) if it is made at any other time, 60 days after the commanding officer of the elector's unit receives it.

#### Optional information

(7) In addition to the information specified in subsection (1), the Chief Electoral Officer may invite the member to provide other information that the Chief Electoral Officer considers necessary to implement agreements made under section 55, but the member is not required to provide that information.

#### Statement to be sent to Chief Electoral Officer

**196.** (1) The original of a statement of ordinary residence of an elector, other than a statement completed under section 195, shall be sent to the Chief Electoral Officer and a copy of that original shall be kept in the unit in which the elector is serving.

#### Validation

(2) On receiving the statement of ordinary residence, the Chief Electoral Officer shall

- (a) validate it by indicating on it the name of the electoral district that includes the place of ordinary residence shown in the statement; and
- (b) return it to the commanding officer of the unit in which the elector is serving.

#### Retention of validated statement

(3) On receiving the statement of ordinary residence, the commanding officer shall destroy the copy kept under subsection (1) and keep the validated original with the elector's unit service documents.

#### Prior statements to be destroyed

(4) On receiving the validated statement of ordinary residence, the commanding officer may destroy any other original or copy of a statement of ordinary residence that was filed with the elector's unit service documents.

#### Filing of reservists' statements

**197.** A statement of ordinary residence completed by a member of the reserve force of the Canadian Forces

under section 195 shall be filed with the unit in which the member is on full-time training or service or active service, as the case may be.

#### Retention of statements

**198.** Statements of ordinary residence shall be retained for a period of one year after a person ceases to be entitled to vote under this Division and may be destroyed at the end of that period.

### *Coordinating Officer*

#### Designation

**199.** (1) The Minister of National Defence shall designate a person as a coordinating officer to work, during and between elections, with the Chief Electoral Officer in carrying out the purposes and provisions of this Division.

#### Duties

(2) The coordinating officer shall, on request, provide to the Chief Electoral Officer the following information relating to each elector:

- (a) the elector's surname, given names, sex and rank;
- (b) the elector's date of birth;
- (c) the civic address of the elector's place of ordinary residence indicated on any validated statement of ordinary residence; and
- (d) the elector's current mailing address.

### *Steps to Prepare for Vote*

#### Duties of Chief Electoral Officer

**200.** Without delay after the issue of the writs, the Chief Electoral Officer shall inform the Minister of National Defence and the coordinating officer of their issue and of the location of voting territories and administrative centres.

#### Duties of Minister of National Defence

**201.** On being informed of the issue of the writs, the Minister of National Defence shall designate one or more electors to act as liaison officers for the vote.

#### Duties of coordinating officer

**202.** On being informed of the issue of the writs, the coordinating officer shall

- (a) inform each commanding officer of their issue; and
- (b) inform the Chief Electoral Officer of the name and address of each liaison officer.

#### Duty of liaison officers to communicate with unit

**203.** (1) On being designated, a liaison officer shall communicate with each commanding officer in respect of whose unit the liaison officer has liaison duties, with respect to any matter that relates to the vote.

#### Duty to cooperate with Chief Electoral Officer

(2) A liaison officer shall cooperate with the Chief Electoral Officer in the administration of the vote.

## *Duties of Commanding Officers*

### Notice

**204.** (1) On being informed of the issue of the writs, each commanding officer shall

- (a) publish a notice as a part of unit orders; and
- (b) prepare a list of the names of the electors of his or her unit.

### Contents of notice

(2) The notice shall notify electors that an election has been called and of the date of polling day and shall inform the electors that

- (a) they may vote in accordance with this Division; and
- (b) the commanding officer will designate one or more deputy returning officers to collect their votes and fix the voting times during the voting period.

### Contents of list

(3) The list shall be arranged alphabetically and shall indicate each elector's surname, given names, sex and rank, and

- (a) if the elector's statement of ordinary residence has been validated, the name of the elector's electoral district; or
- (b) if the elector's statement of ordinary residence has not been validated, the place of ordinary residence as indicated in the statement of ordinary residence.

### Duties of commanding officer

**205.** (1) Within seven days after being informed of the issue of the writs, each commanding officer shall

- (a) establish polling stations;
- (b) designate an elector as the deputy returning officer for each polling station;
- (c) through a liaison officer, provide the Chief Electoral Officer with a list of the designated deputy returning officers and their ranks, and sufficient copies of the list of electors for the unit; and
- (d) provide the designated deputy returning officers with a copy of the list of electors for the unit.

### Facilities

(2) Each commanding officer shall provide the facilities that are necessary to enable the electors to vote in accordance with this Division.

### Voting times

(3) Each commanding officer shall fix the voting times so that the polling stations in his or her unit are open for at least three hours a day on at least three days during the voting period.

### Mobile polling station

**206.** (1) A commanding officer may establish a mobile polling station in any area for the purpose of collecting the votes of electors who cannot conveniently reach polling stations established at their unit.

### Opening period

(2) A mobile polling station shall remain in an area and be open for the collection of votes for the days and hours during the voting period that the commanding officer considers necessary to give electors in the area a reasonable opportunity to vote.

### Joint polling stations

**207.** The commanding officers of units that are in the same locality may establish one polling station for all electors in their units, if the commanding officers consider that it would be expedient for the purposes of this Division.

### Notice of polling stations and voting times

**208.** During each of three or more days before the voting period and on each day on which the vote is held, each commanding officer shall publish in his or her unit's orders and put in a conspicuous place a notice that states

- (a) the days on which the electors may vote;
- (b) the precise location of, and the voting hours at, each polling station, other than a mobile polling station; and
- (c) in the case of a mobile polling station, its location and the anticipated period during which it is to remain at that location.

### Election materials

**209.** On receiving election materials and the list of candidates, each commanding officer shall

- (a) distribute the materials in sufficient quantities to the designated deputy returning officers; and
- (b) post copies of the list in conspicuous places.

## *Voting*

### Duties of deputy returning officer

**210.** During the voting period, a deputy returning officer for a unit shall, at each polling station,

- (a) put in conspicuous places two or more copies of voting instructions provided by the Chief Electoral Officer and relating to the vote under this Division in the prescribed form; and
- (b) keep available for consultation by the electors one copy of this Part, one set of street indexes, one guide to electoral districts and one list of candidates.

### Representative of registered party

**211.** A Canadian citizen may represent a registered party at a polling station if he or she provides the deputy returning officer with an authorization in the prescribed form signed by a candidate for the party.

### Completion of certain documents

**212.** Before delivering a special ballot to an elector, a deputy returning officer shall require the elector to complete a statement of ordinary residence, if none has been placed in the elector's unit service documents, and to make and sign the declaration on the outer envelope.

### Provision of special ballot, etc.

**213.** (1) A deputy returning officer shall, on completion of the documents referred to in section 212, give the elector a special ballot, an inner envelope and the outer envelope signed by the elector.

#### Voting on special ballot

(2) The elector shall use the special ballot to vote by writing on it, in private, the name of the candidate of his or her choice, folding the special ballot and, in the presence of the deputy returning officer,

(a) placing the folded special ballot in the inner envelope and sealing the envelope; and

(b) placing the inner envelope in the outer envelope and sealing the outer envelope.

#### Writing candidate's name

(3) The candidate shall be indicated on a special ballot by writing the candidate's given name or initials and surname. If two or more candidates have the same name, their political affiliations shall be indicated.

#### Spoiled special ballot

(4) If an elector has inadvertently handled a special ballot in such a manner that it cannot be used, the elector shall return it to the deputy returning officer who shall mark it as spoiled and give an additional special ballot to the elector.

#### Limit

(5) An elector shall not be given more than one special ballot under subsection (4).

#### Return of vote — information

**214.** (1) The deputy returning officer shall inform an elector that, in order to be counted, the outer envelope must be received by the special voting rules administrator in Ottawa not later than 6:00 p.m. on polling day. The deputy returning officer shall inform the elector of the location of the nearest post office or mail box and of the service provided by the Canadian Forces to deliver the outer envelope.

#### Sending the outer envelope

(2) If the elector does not use the delivery service provided by the Canadian Forces, it is the elector's responsibility to ensure that the outer envelope is sent to the special voting rules administrator.

#### Postage

(3) If the elector chooses to use a postal service, the deputy returning officer must ensure that sufficient postage is affixed to the outer envelope.

#### Voting by deputy returning officer

**215.** A deputy returning officer who is qualified to vote may vote in accordance with this Division.

#### Assistance

**216.** (1) If an elector is, because of a physical disability, unable to vote in the manner described in this Division, the deputy returning officer shall assist him or her by

(a) completing the declaration on the outer envelope and writing the elector's name where his or her signature is to be written; and

(b) marking the special ballot as directed by the elector in his or her presence and in the presence of another elector selected by the elector as a witness.

#### Note and keeping vote secret

(2) The deputy returning officer and an elector acting as a witness shall

- (a) sign a note on the outer envelope indicating that the elector was assisted; and
- (b) keep secret the name of the candidate for whom the elector voted.

#### Hospitalized or convalescing elector

**217.** (1) An elector who is a patient in a service hospital or convalescent institution during the voting times fixed for the polling stations in his or her unit is deemed to be a member of the unit under the command of the officer in charge of the hospital or institution.

#### Deputy returning officer for hospitalized electors

(2) If no deputy returning officer has been designated for a service hospital or convalescent institution, the deputy returning officer for the unit to which the hospital or institution belongs is the deputy returning officer for electors who are patients in the hospital or institution.

#### Bed-ridden electors

(3) A deputy returning officer for electors who are patients in a service hospital or convalescent institution may, if that officer considers it advisable and the commanding officer for the unit approves, go from room to room to administer and collect the votes of electors who are confined to bed.

#### Duty, leave or furlough

**218.** An elector who provides satisfactory evidence of their absence from their unit during the voting times fixed for the polling stations in his or her unit because of duty, leave or furlough may apply to a deputy returning officer of another unit to vote at that officer's polling station.

#### End of voting period — delivery of documents

**219.** (1) At the end of the voting period, the deputy returning officer for a unit shall deliver to the unit's commanding officer

- (a) the outer envelopes that contain the marked special ballots;
- (b) any unused or spoiled outer envelopes;
- (c) any unused or spoiled special ballots and unused inner envelopes; and
- (d) in a separate and clearly identified parcel, every statement of ordinary residence completed at the time of voting.

#### Duties of commanding officer

(2) On receipt of the documents referred to in subsection (1), the commanding officer shall

- (a) deal with the originals and copies of the statements of ordinary residence in accordance with this Division; and
- (b) deliver to the Chief Electoral Officer all other documents and election materials received from the deputy returning officers.

## DIVISION 3

### ELECTORS TEMPORARILY RESIDENT OUTSIDE CANADA

#### Definitions

**220.** The definitions in this section apply in this Division.

"elector"  
«*électeur*»

"elector" means an elector, other than a Canadian Forces elector, who resides temporarily outside Canada.

"register"  
«*registre*»

"register" means the register referred to in subsection 222(1).

#### Inclusion in register of electors temporarily resident outside Canada

**221.** An elector may vote under this Division if his or her application for registration and special ballot is received in Ottawa by 6:00 p.m. on the 6th day before polling day and his or her name is entered on the register.

#### Register of electors

**222.** (1) The Chief Electoral Officer shall maintain a register of electors who are temporarily resident outside Canada in which is entered the name, date of birth, civic and mailing addresses, sex and electoral district of each elector who has filed an application for registration and special ballot and who

- (a) at any time before making the application, resided in Canada;
- (b) has been residing outside Canada for less than five consecutive years immediately before making the application; and
- (c) intends to return to Canada to resume residence in the future.

#### Exception

(2) Paragraph (1)(b) does not apply to an elector who is

- (a) employed outside Canada in the federal public administration or the public service of a province;
- (b) employed outside Canada by an international organization of which Canada is a member and to which Canada contributes;
- (c) a person who lives with an elector referred to in paragraph (a) or (b); or
- (d) a person who lives with a member of the Canadian Forces or with a person referred to in paragraph 191(d).

2000, c. 9, s. 222; 2003, c. 22, s. 103.

#### Inclusion in register

**223.** (1) An application for registration and special ballot may be made by an elector. It shall be in the prescribed form and shall include

- (a) satisfactory proof of the elector's identity;
- (b) if paragraph 222(1)(b) does not apply in respect of the elector, proof of the applicability of an exception set out in subsection 222(2);
- (c) the elector's date of birth;
- (d) the date the elector left Canada;



(e) the address of the elector's last place of ordinary residence in Canada before he or she left Canada or the address of the place of ordinary residence in Canada of the spouse, the common-law partner or a relative of the elector, a relative of the elector's spouse or common-law partner, a person in relation to whom the elector is a dependant or a person with whom the elector would live but for his or her residing temporarily outside Canada;

(f) the date on which the elector intends to resume residence in Canada;

(g) the elector's mailing address outside Canada; and

(h) any other information that the Chief Electoral Officer considers necessary to determine the elector's entitlement to vote or the electoral district in which he or she may vote.

#### Optional information

(2) In addition to the information specified in subsection (1), the Chief Electoral Officer may request that the elector provide other information that the Chief Electoral Officer considers necessary for implementing agreements made under section 55, but the elector is not required to provide that information.

2000, c. 9, s. 223, c. 12, s. 40.

#### Prohibition — change of address

**224.** The address chosen as the place of ordinary residence in Canada in the application for registration and special ballot cannot be changed after the elector's name is entered in the register.

#### Information to be provided

**225.** The Chief Electoral Officer may require an elector whose name appears in the register to provide, within the time fixed by the Chief Electoral Officer, any information that is necessary to update the register.

#### Deletion of names from register

**226.** The Chief Electoral Officer shall delete from the register the name of an elector who

(a) does not provide the information referred to in section 225 within the time fixed by the Chief Electoral Officer;

(b) makes a signed request to the Chief Electoral Officer to have his or her name deleted from the register;

(c) has died and concerning whom a request has been received to have the elector's name deleted from the register, to which request is attached a death certificate or other documentary evidence of the death;

(d) returns to Canada to reside;

(e) cannot be contacted; or

(f) except for an elector to whom any of paragraphs 222(2)(a) to (d) applies, has resided outside Canada for five consecutive years or more.

#### Sending of special ballot and envelopes

**227.** (1) After approving an application for registration and special ballot and after the issue of the writs, the Chief Electoral Officer shall send a special ballot, an inner envelope and an outer envelope to every elector whose name is entered in the register, at the address referred to in paragraph 223(1)(g).

#### Voting by special ballot

(2) An elector shall vote by special ballot by

- (a) writing the name of the candidate of his or her choice on the ballot;
- (b) placing the ballot in the inner envelope and sealing it;
- (c) placing the inner envelope in the outer envelope; and
- (d) signing the declaration on the outer envelope and sealing it.

#### Writing candidate's name

(3) The candidate shall be indicated on a special ballot by writing the candidate's given name or initials and surname. If two or more candidates have the same name, their political affiliation shall be indicated.

#### Sending of outer envelope

**228.** An elector shall send the sealed outer envelope to the Chief Electoral Officer

(a) by mail or any other means; or

(b) by delivering it to a Canadian Embassy, Canadian High Commission or Canadian Consular Office, to a Canadian Forces base or to any place that the Chief Electoral Officer may designate.

#### Deadline for return of vote

**229.** The special ballot must arrive at the office of the Chief Electoral Officer in Ottawa not later than 6:00 p.m. on polling day in order to be counted.

#### Responsibilities of elector

**230.** For the purpose of this Division, an elector has the sole responsibility to ensure that

(a) his or her application for registration and special ballot is made within the period specified; and

(b) his or her special ballot is received within the period specified to be counted.

## DIVISION 4

### ELECTORS RESIDING IN CANADA

#### Definition of "elector"

**231.** For the purpose of this Division, "elector" means an elector, other than a Canadian Forces elector or an incarcerated elector, who resides in Canada and who wishes to vote in accordance with this Division.

#### Conditions for voting by special ballot

**232.** An elector may vote under this Division if his or her application for registration and special ballot is received after the issue of the writs and before 6:00 p.m. on the 6th day before polling day

(a) by a returning officer in an electoral district; or

(b) by the special voting rules administrator.

#### Information required for application

**233.** (1) The application for registration and special ballot shall be in the prescribed form and shall include the following information:

- (a) the elector's name and place of ordinary residence;
- (b) the elector's date of birth;
- (c) satisfactory proof of the elector's identity and residence;
- (d) the elector's mailing address; and
- (e) any other information that the Chief Electoral Officer considers necessary to determine the elector's entitlement to vote or the electoral district in which he or she may vote.

#### Electors in danger

(1.1) An elector who would be under reasonable apprehension of bodily harm if he or she were to indicate the mailing address of his or her dwelling place for the purpose of paragraph (1)(d) may apply to the returning officer or special voting rules administrator to use another address for that purpose. The returning officer or special voting rules administrator, unless he or she considers that it would not be in the public interest to do so, shall grant the application and shall not reveal that other address except as required to send the special ballot to the elector. For greater certainty, the granting of the application does not change the elector's place of ordinary residence for the purposes of this Act.

#### Optional information

(2) In addition to the information specified in subsection (1), the Chief Electoral Officer may request that the elector provide other information that the Chief Electoral Officer considers necessary to implement agreements made under section 55, but the elector is not required to provide that information.

#### Information provided

(3) An elector who makes an application for registration and special ballot shall indicate whether his or her name is already on a list of electors and, if it is, in which electoral district.

#### Name of elector previously included on list of electors

**234.** (1) The special voting rules administrator shall inform the returning officer of any elector whose name is on a list of electors for the returning officer's electoral district and who has received a special ballot from another electoral district. The returning officer shall indicate on the list of electors that the elector has received a special ballot.

#### Name of elector not previously included on list

(2) If an elector's name is not already included on a list of electors, the special voting rules administrator shall so inform the returning officer for the electoral district in which the elector is to vote by special ballot. The returning officer shall enter the elector's name on the list of electors for the appropriate polling division in that electoral district and shall indicate that the elector has received a special ballot.

#### Vote by special ballot only

**235.** Once an elector's application for registration and special ballot has been accepted, the elector may only vote under this Division.

#### Note on the list of electors

**236.** If an elector applies for registration and special ballot in his or her electoral district, the returning officer shall, if necessary, add the elector's name to the appropriate list of electors and shall indicate on the list that the elector has received a ballot in accordance with this Division.

#### Provision of special ballot

**237.** On acceptance of an elector's application for registration and special ballot, the elector shall be given a special ballot, or, if section 241 applies, a ballot that is not a special ballot, an inner envelope and an outer

envelope.

#### Voting by special ballot

**238.** An elector who has received a special ballot may vote in accordance with subsections 227(2) and (3).

#### Sending to Chief Electoral Officer

**239.** (1) An elector who does not vote in his or her electoral district shall send the sealed outer envelope to the special voting rules administrator

(a) by mail or any other means; or

(b) by delivering it to a Canadian Embassy, High Commission or Consular Office, to a Canadian Forces base outside Canada or to any place that the Chief Electoral Officer may designate.

#### Deadline for receipt

(2) In order to have the special ballot counted, an elector shall ensure that the ballot is received

(a) if the special ballot is cast in the elector's electoral district, at the office of the returning officer before the close of the polling stations on polling day; or

(b) if the special ballot is cast outside the elector's electoral district, at the office of the special voting rules administrator in Ottawa, not later than 6:00 p.m. on polling day.

#### Responsibilities of elector

**240.** For the purpose of this Division, an elector has the sole responsibility to ensure that

(a) his or her application for registration and special ballot is made within the period specified; and

(b) his or her special ballot is received within the period specified to be counted as a vote.

#### Elector to be given regular ballot

**241.** An elector who applies to vote in person at the office of the returning officer for his or her electoral district after ballots for the electoral district have been printed shall be given a ballot that is not a special ballot and shall immediately vote in the manner described in paragraphs 151(1)(a) and (b) and 227(2)(b) to (d) and return the outer envelope to the election officer.

#### Spoiled ballot

**242.** (1) If an elector has inadvertently handled a ballot or a special ballot in such a manner that it cannot be used, the elector shall return it to the election officer who shall mark it as a spoiled ballot and give the elector another ballot.

#### Limit

(2) An elector shall not be given more than one ballot under subsection (1).

#### Assistance

**243.** (1) When an elector personally goes to the office of the returning officer and is unable to read or because of a physical disability is unable to vote in the manner described in this Division, the designated election officer shall assist the elector by

(a) completing the declaration on the outer envelope and writing the elector's name where his or her signature

is to be written; and

(b) marking the ballot as directed by the elector in his or her presence.

#### Note on outer envelope

(2) An election officer who assists an elector under subsection (1) shall indicate, by signing the note on the outer envelope, that the elector was assisted.

#### Registration, voting at home

**243.1** (1) On application of an elector who is unable to read, or who is unable to vote in the manner described in this Division because of a physical disability, and who is unable to personally go to the office of the returning officer because of a physical disability, the designated election officer shall go to the elector's dwelling place and, in the presence of a witness who is chosen by the elector, assist the elector by

(a) completing the declaration on the outer envelope and writing the elector's name where the elector's signature is to be written; and

(b) marking the ballot as directed by the elector in the elector's presence.

#### Note on outer envelope

(2) The election officer and the witness who assist an elector under subsection (1) shall indicate, by signing the note on the outer envelope, that the elector was assisted.

## DIVISION 5

### INCARCERATED ELECTORS

#### Definition of "elector"

**244.** For the purpose of this Division, "elector" means an incarcerated elector.

#### Entitlement to vote

**245.** (1) Every person who is incarcerated and who is otherwise qualified to vote under this Act is entitled to vote under this Division on the 10th day before polling day.

#### Exercise of right to vote

(2) An elector is not entitled to vote under this Division unless he or she has signed an application for registration and special ballot under section 251 and a declaration described in section 257.

#### Vote to be in electoral district

(3) An elector is entitled to vote under this Division only for a candidate in the electoral district in which his or her place of ordinary residence is situated as shown on the application for registration and special ballot made by the elector under section 251.

#### Designation of coordinating officers

**246.** The ministers responsible for corrections in the provinces shall each designate a person as a coordinating officer to work, during and between elections with the Chief Electoral Officer to carry out the purposes and provisions of this Division.

#### Notification of issue of the writs

**247.** (1) Without delay after the issue of the writs, the Chief Electoral Officer shall inform the minister responsible for corrections in a province of their issue and of the location of administrative centres.

### Designation of liaison officers

- (2) On being informed of the issue of the writs, each minister responsible for corrections in a province shall
- (a) inform the coordinating officer for that province of the issue of the writs;
  - (b) designate one or more persons to act as liaison officers in connection with the taking of the votes of electors; and
  - (c) inform the Chief Electoral Officer and the coordinating officer for that province of the name and address of each liaison officer.

### Liaison officers

**248.** (1) The Chief Electoral Officer shall appoint persons designated under paragraph 247(2)(b) in the prescribed form.

### Duty to cooperate

- (2) During the election period, a liaison officer shall cooperate with the Chief Electoral Officer in the administration of the registration and the taking of the votes of electors.

### Duty of coordinating officer

**249.** When a coordinating officer is informed that a liaison officer has been designated, the coordinating officer shall give the liaison officer all necessary information on taking the votes of electors.

### Notice of entitlement to vote

**250.** (1) A liaison officer shall, without delay after being appointed, post a notice in the prescribed form in a prominent place in the correctional institution that informs electors of the date on which they are entitled to vote in accordance with this Division.

### Voting hours

- (2) The polling stations shall be open on the 10th day before polling day from 9:00 a.m. and shall be kept open until every elector who is registered under subsection 251(1) has voted, but in no case shall they be kept open later than 8:00 p.m. on that day.

### Application for registration and special ballot

**251.** (1) Before the 10th day before polling day, each liaison officer shall ensure that an application for registration and special ballot in the prescribed form is completed for every eligible elector of the correctional institution who wishes to vote, indicating his or her place of ordinary residence as determined under subsection (2).

### Residence of elector

- (2) The place of ordinary residence of an elector is the first of the following places for which the elector knows the civic and mailing addresses:
- (a) his or her residence before being incarcerated;
  - (b) the residence of the spouse, the common-law partner, a relative or a dependant of the elector, a relative of his or her spouse or common-law partner or a person with whom the elector would live but for his or her incarceration;
  - (c) the place of his or her arrest; or
  - (d) the last court where the elector was convicted and sentenced.

### Optional information

(3) In addition to providing his or her place of ordinary residence, the Chief Electoral Officer may request that the elector provide other information that the Chief Electoral Officer considers necessary to implement agreements made under section 55, but the elector is not required to provide that information.

### Validation

(4) The liaison officer shall validate the application for registration and special ballot by signing it and indicating on it the name of the electoral district that includes the place of ordinary residence as determined under subsection (2).

### Dispute about electoral district

(5) If a dispute arises as to in which electoral district an elector may vote, the elector may refer the matter to the returning officer for the electoral district where the correctional institution is located, and the returning officer shall make a final determination in accordance with the process for revising lists of electors.

2000, c. 9, s. 251, c. 12, s. 40.

### List of incarcerated electors

**252.** Applications for registration and special ballot are deemed to be the list of electors who vote under this Division.

### Appointment of deputy returning officers and poll clerks

**253.** (1) Before the 18th day before polling day, each returning officer shall, for each correctional institution in his or her electoral district, in consultation with the liaison officer for the institution, establish one or more polling stations and appoint a deputy returning officer and a poll clerk for each polling station.

### Provision of election materials

(2) A liaison officer shall, on receiving the election materials and list of candidates,

(a) provide the materials in sufficient quantities to the deputy returning officers appointed under subsection (1) for the correctional institution; and

(b) post the list of candidates in one or more conspicuous places in the correctional institution.

### Duties of deputy returning officer

**254.** On the day on which the electors cast their ballots, the deputy returning officer shall, at each polling station,

(a) post two or more copies of the voting instructions, in the prescribed form, in conspicuous places; and

(b) keep readily available for consultation by electors a copy of this Part, a set of street indexes, a guide to electoral districts and a list of candidates.

### Mobile polling stations

**255.** (1) A liaison officer shall, when required, establish a mobile polling station within a correctional institution to take the votes of the electors who are confined to their cells or in an infirmary.

### Common mobile polling stations

(2) A returning officer may, in cooperation with liaison officers, create a mobile polling station for correctional institutions of fewer than 50 electors that are within the returning officer's electoral district and that are within reasonable travelling distance of each other.

### Representative of registered party

**256.** With the prior authorization of correctional authorities, a Canadian citizen may represent a registered party during the taking of the votes at a correctional institution, if he or she provides the deputy returning officer with an authorization, in the prescribed form, signed by a candidate for that party.

### Declaration of elector

**257.** (1) Before delivering a special ballot to an elector, the deputy returning officer for a correctional institution shall require the elector to complete an application for registration and special ballot, if the elector has not already done so, and to make and sign the declaration on the outer envelope.

### Giving special ballot to elector

- (2) After the elector has signed the declaration on the outer envelope, the deputy returning officer shall
- (a) sign the outer envelope; and
  - (b) give the elector a special ballot, an inner envelope and the outer envelope.

### Voting by special ballot

**258.** (1) The elector shall vote by writing on the special ballot the name of the candidate of his or her choice, folding the special ballot and, in the presence of the deputy returning officer,

- (a) placing the ballot in the inner envelope and sealing the envelope; and
- (b) placing the inner envelope in the outer envelope and sealing the outer envelope.

### Writing candidate's name

(2) The candidate shall be indicated on a special ballot by writing the candidate's given name or initials and surname. If two or more candidates have the same name, their political affiliations shall be indicated.

### Spoiled special ballot

(3) If an elector has inadvertently handled a special ballot in such a manner that it cannot be used, the elector shall return it to the deputy returning officer who shall mark it as a spoiled ballot and give the elector another special ballot.

### Limit

(4) An elector shall not be given more than one special ballot under subsection (3).

### Assistance

**259.** (1) If an elector is unable to read or because of a physical disability is unable to vote under this Division, the deputy returning officer shall assist the elector by

- (a) completing the declaration on the outer envelope and writing the elector's name where his or her signature is to be written; and
- (b) marking the special ballot as directed by the elector in his or her presence and in the presence of the poll clerk.

### Note on outer envelope

(2) The deputy returning officer and the poll clerk shall sign a note on the outer envelope indicating that the elector was assisted.



### Delivery of documents after the vote

**260.** Without delay after the votes have been cast at a correctional institution, the deputy returning officer shall deliver to the liaison officer for the institution

- (a) the outer envelopes that contain the marked special ballots;
- (b) any unused or spoiled outer envelopes;
- (c) any unused or spoiled special ballots and unused inner envelopes; and
- (d) the applications for registration and special ballot.

### Deadline for return of election material

**261.** Every liaison officer shall ensure that the election material referred to in section 260 is received by the special voting rules administrator in Ottawa no later than 6:00 p.m. on polling day.

### Integration into final list of electors

**262.** The applications for registration and special ballot shall be integrated into the final list of electors referred to in section 109.

## DIVISION 6

### COUNTING OF VOTES AT THE OFFICE OF THE CHIEF ELECTORAL OFFICER

#### Application

**263.** This Division applies to the counting of all special ballots cast in accordance with this Part, except those referred to in Division 7.

#### Administration

**264.** (1) The counting of the special ballots shall be conducted by special ballot officers under the supervision of the special voting rules administrator.

#### Special ballot officers

(2) Special ballot officers shall work in pairs of persons representing different registered parties.

#### Directives

**265.** The Chief Electoral Officer shall prescribe security instructions for the safekeeping of special ballots, inner envelopes, outer envelopes and all other election documents, and instructions for the receiving, sorting and counting of special ballots.

#### Counting of votes

**266.** The counting of votes shall commence on a date to be fixed by the Chief Electoral Officer or, if no date is fixed, on Wednesday, the 5th day before polling day.

#### Setting aside of outer envelope

**267.** (1) The special ballot officers shall set aside an outer envelope unopened when they ascertain on its examination that

- (a) the information concerning the elector, as described on the outer envelope, does not correspond with the

information on the application for registration and special ballot;

(b) the envelope, other than an envelope in respect of an elector who has taken a vote under section 216, 243 or 259, does not bear the signature of an elector;

(c) the correct electoral district of the elector whose ballot is contained in the outer envelope cannot be ascertained;

(d) the outer envelope has been received in Ottawa by the special voting rules administrator after 6:00 p.m. on polling day; or

(e) the outer envelope relates to an electoral district for which the election was postponed in accordance with section 77.

#### Procedure when elector votes more than once

(2) If, after receiving but before counting the outer envelopes, the special ballot officers ascertain that an elector has voted more than once, they shall lay the outer envelopes that relate to the elector aside unopened.

#### Disposition of outer envelopes that are laid aside

(3) When an outer envelope is laid aside unopened as described in subsection (1) or (2),

(a) the outer envelope shall be endorsed by the special voting rules administrator with the reason why it has been laid aside;

(b) at least two special ballot officers shall initial the endorsement; and

(c) in the case of an outer envelope laid aside under subsection (1), the ballot contained in it is deemed to be a spoiled ballot.

#### Special report

(4) The special voting rules administrator shall prepare a report in respect of the number of outer envelopes that are laid aside under this Division.

#### Duties of special ballot officers

**268.** Each pair of special ballot officers shall count the votes for only one electoral district or part of an electoral district at a time.

#### Rejection of ballots

**269.** (1) Each pair of special ballot officers shall, on examining a special ballot, reject it if

(a) it has not been supplied by the Chief Electoral Officer;

(b) it is not marked;

(c) it is marked with a name other than the name of a candidate;

(d) it is marked with the names of more than one candidate; or

(e) there is any writing or mark on it by which the elector could be identified.

#### Elector's intent

(2) No special ballot shall be rejected for the sole reason that the elector has incorrectly written the name of a candidate, if the ballot clearly indicates the elector's intent.

### Disputed ballots

(3) If a dispute arises as to the validity of a special ballot, it shall be referred to the special voting rules administrator, whose decision is final.

### Note of dispute

(4) The number of disputed special ballots and the name of the electoral district in which they were cast are to be noted by the special ballot officers.

### Statements of the vote

**270.** (1) Each pair of special ballot officers shall prepare a statement of the vote in the prescribed form and deliver it to the special voting rules administrator.

### Safekeeping

(2) The special voting rules administrator shall keep the statements of the vote in safe custody until the day after the communication of the results under section 280.

### Copy to special ballot officer

(3) On request, after the day that the results are communicated, a special ballot officer may be given a copy of the statement of the vote that he or she prepared.

### Chief Electoral Officer to be informed of results of vote

**271.** Without delay after the counting of the votes for every electoral district has been completed, the special voting rules administrator shall inform the Chief Electoral Officer of

- (a) the number of votes counted for each candidate for every electoral district;
- (b) the total number of votes counted for each electoral district; and
- (c) the number of rejected ballots for each electoral district.

### Sending of material to Chief Electoral Officer

**272.** As soon as practicable after the counting of the votes for every electoral district has been completed, the special voting rules administrator shall send to the Chief Electoral Officer, in separate envelopes,

- (a) the lists of electors;
- (b) all other documents and election materials received from commanding officers, deputy returning officers and special ballot officers;
- (c) the oaths of office; and
- (d) the complete files of correspondence, reports and records in his or her possession.

## DIVISION 7

### COUNTING OF VOTES IN THE OFFICE OF THE RETURNING OFFICER

#### Appointment of deputy returning officer and poll clerk

**273.** (1) The returning officer shall appoint a deputy returning officer and poll clerk to verify the outer envelopes and to count the special ballots issued to electors in his or her electoral district and received in his or her office. More than one deputy returning officer and poll clerk may be appointed if the number of votes warrants

it.

#### Assignment of duties

(2) The returning officer shall assign duties so that a deputy returning officer chosen from among the persons recommended by the registered party whose candidate finished first in the last election in the electoral district works with a poll clerk chosen from among the persons recommended by the registered party whose candidate finished second in that election in that electoral district.

#### Merger of parties

(3) For the purpose of subsection (2), in determining whether the candidate of a registered party finished first or second in the last election in a case where the registered party is the result of a merger with one or more parties that were registered parties at the last election, there shall be attributed to the candidate of the merged party, the number of votes of the candidate of the merging party with the largest number of votes at that last election.

#### Notification to candidates

(4) The returning officer shall, as soon as possible, notify the candidates of the name and address of the persons appointed as the deputy returning officer and the poll clerk.

#### Candidate present at counting

**274.** A candidate or his or her representative may be present for the verification of the outer envelopes and the counting of ballots received at the office of the returning officer.

#### Ballots to be kept sealed

**275.** (1) The returning officer shall ensure that the ballots received at his or her office are kept sealed until they are given to the deputy returning officer.

#### Return outer envelopes

(2) All outer envelopes received after the prescribed deadline shall be kept separate and sealed and shall be initialled by the returning officer and marked with the date and time of their receipt.

#### Verification of envelopes

**276.** (1) A deputy returning officer and a poll clerk shall verify the outer envelopes, at the time fixed by the Chief Electoral Officer and in accordance with his or her instructions, by determining from the information on the outer envelope whether the elector is entitled to vote in the electoral district.

#### Notice

(2) The returning officer shall notify the candidates of the time and place of the verification.

#### Provision of materials to deputy returning officer

(3) The deputy returning officer shall be provided with the applications for registration and special ballot received before the deadline, along with any other materials that may be required.

#### Setting aside of outer envelope

**277.** (1) The deputy returning officer shall set aside an outer envelope unopened when he or she ascertains on its examination that

(a) the information concerning the elector, as described on the outer envelope, does not correspond with the information on the application for registration and special ballot;

(b) the outer envelope, other than an outer envelope in respect of an elector who has taken a vote under section 243 or 243.1, does not bear the signature of an elector;

- (c) more than one ballot has been issued to an elector; or
- (d) the outer envelope was received after the prescribed deadline.

#### Registering objections

(2) When the outer envelopes are verified, the poll clerk shall register any objection to an elector's right to vote in the electoral district in the prescribed form.

#### Noting of reasons for setting aside

(3) When an outer envelope is set aside unopened as described in subsection (1), the deputy returning officer shall note on it the reasons for the rejection. The deputy returning officer and the poll clerk shall initial the envelope.

#### Counting of outer envelopes

**278.** (1) The deputy returning officer and the poll clerk shall count all valid outer envelopes.

#### Inner envelopes

(2) The deputy returning officer and the poll clerk shall open the outer envelopes and put all the inner envelopes in a ballot box provided by the returning officer.

#### Counting the votes

(3) After the close of the polling stations, the deputy returning officer shall open the ballot box and he or she together with the poll clerk shall open the inner envelopes and count the votes.

#### Rejection of ballots

**279.** (1) The deputy returning officer shall, in counting the ballots, reject a ballot if

- (a) it has not been supplied for the election;
- (b) it is not marked;
- (c) it is marked with a name other than the name of a candidate;
- (d) it is marked for more than one candidate; or
- (e) there is any writing or mark on it by which the elector could be identified.

#### Elector's intent

(2) The deputy returning officer shall not reject a special ballot for the sole reason that the elector has incorrectly written the name of a candidate, if the ballot clearly indicates the elector's intent.

#### Political affiliation

(3) The deputy returning officer shall not reject a special ballot for the sole reason that the elector has written, in addition to the name of a candidate, the candidate's political affiliation, if the ballot clearly indicates the elector's intent.

2000, c. 9, s. 279; 2001, c. 21, s. 15.

## DIVISION 8

### COMMUNICATION OF THE RESULTS OF THE VOTE

### Communication of results

**280.** (1) The Chief Electoral Officer shall, without delay after the closing of the polling stations at an election, inform each returning officer of the results of the count under Division 6 for the returning officer's electoral district, giving the number of votes cast for each candidate and the number of rejected ballots.

### Release of information

(2) When the returning officer receives information from the Chief Electoral Officer respecting the results of the count under Division 6, the returning officer shall add those results to the results of the count under Division 7 and release all of them as being the results of the vote under the Special Voting Rules.

## DIVISION 9

### PROHIBITIONS

#### Prohibitions — inside or outside Canada

**281.** No person shall, inside or outside Canada,

(a) wilfully disclose information as to how a ballot or special ballot has been marked by an elector;

(b) wilfully interfere with, or attempt to interfere with, an elector when marking a ballot or special ballot, or otherwise attempt to obtain any information as to the candidate for whom any elector is about to vote or has voted;

(c) knowingly make a false statement in an application for registration and special ballot;

(d) knowingly apply for a ballot or special ballot to which that person is not entitled;

(e) knowingly make a false statement in a declaration signed by him or her before a deputy returning officer;

(f) knowingly make a false declaration in the statement of ordinary residence completed by him or her;

(g) wilfully prevent or endeavour to prevent an elector from voting at an election; or

(h) wilfully at the counting of the votes, attempt to obtain information or communicate information obtained at the counting as to the candidate for whom a vote is given in a particular ballot or special ballot.

#### Prohibitions — outside Canada

**282.** No person shall, outside Canada,

(a) by intimidation or duress, compel a person to vote or refrain from voting or vote or refrain from voting for a particular candidate at an election under this Part; or

(b) by any pretence or contrivance, including by representing that the ballot or the manner of voting at an election is not secret, induce a person to vote or refrain from voting or vote or refrain from voting for a particular candidate at an election under this Part.

## PART 12

### COUNTING VOTES

#### POLLING STATIONS

#### Counting the votes

**283.** (1) Immediately after the close of a polling station, the deputy returning officer shall count the votes in

the presence of the poll clerk and any candidates or their representatives who are present or, if no candidates or representatives are present, in the presence of at least two electors.

### Tally sheets

(2) The deputy returning officer shall supply the poll clerk and all the persons referred to in subsection (1) who are present and who so request with a tally sheet to keep their own score of the voting.

### Steps to follow

(3) The deputy returning officer shall, in the following order,

(a) count the number of electors who voted at the polling station, make an entry at the end of the list of electors that states "The number of electors who voted at this election in this polling station is (*stating the number*)", sign the list, and place the list in the envelope supplied for the purpose;

(b) count the spoiled ballots, place them in the envelope supplied for the purpose, indicate on the envelope the number of spoiled ballots, and seal it;

(c) count the unused ballots that are not detached from the books of ballots, place them with the stubs of the used ballots in the envelope supplied for the purpose, indicate on the envelope the number of unused ballots, and seal it;

(d) total the numbers arrived at in paragraphs (a) to (c) in order to ascertain that all ballots that were provided by the returning officer are accounted for;

(e) open the ballot box and empty its contents onto a table; and

(f) examine each ballot, show the ballot to each person who is present, and ask the poll clerk to make a note on the tally sheet beside the name of the candidate for whom the vote was cast for the purpose of arriving at the total number of votes cast for each candidate.

### Rejection of ballots

**284.** (1) In examining the ballots, the deputy returning officer shall reject one

(a) that has not been supplied by him or her;

(b) that has not been marked in a circle at the right of the candidates' names;

(c) that is void by virtue of section 76;

(d) that has been marked in more than one circle at the right of the candidates' names; or

(e) on which there is any writing or mark by which the elector could be identified.

### Limitation

(2) No ballot shall be rejected by reason only that the deputy returning officer placed on it any writing, number or mark, or failed to remove the counterfoil.

### Counterfoils remaining attached

(3) When a ballot is found with the counterfoil attached, the deputy returning officer shall, while concealing the number on it from all persons present and without examining it, remove and destroy the counterfoil.

### Ballots not initialled by deputy returning officer

**285.** If the deputy returning officer determines that he or she has failed to initial a ballot, the deputy returning

officer shall, in the presence of the poll clerk and witnesses, initial and count the ballot if he or she is satisfied that

(a) the ballot was supplied by him or her; and

(b) all ballots that were provided by the returning officer have been accounted for, as described in paragraph 283(3)(d).

#### Objections to ballots

**286.** (1) The deputy returning officer shall keep a record, in the prescribed form, of every objection to a ballot made by a candidate or his or her representatives, give a number to the objection, write that number on the ballot and initial it.

#### Decision of deputy returning officer

(2) The deputy returning officer shall decide every question that is raised by an objection described in subsection (1), and the decision is subject to reversal only on a recount or on application under subsection 524(1).

#### Statement of the vote

**287.** (1) The deputy returning officer shall prepare a statement of the vote, in the prescribed form, that sets out the number of votes in favour of each candidate and the number of rejected ballots and place the original statement and a copy of it in the separate envelopes supplied for the purpose.

#### Copies of the statement of the vote

(2) The deputy returning officer shall give a copy of the statement of the vote to each of the candidate's representatives present at the count.

#### Marked ballots

**288.** (1) The deputy returning officer shall place the ballots for each candidate into separate envelopes, write on each envelope the name of the candidate and the number of votes he or she received, and seal it. The deputy returning officer and the poll clerk shall sign the seal on each envelope, and the witnesses may also sign them.

#### Rejected ballots

(2) The deputy returning officer shall place into separate envelopes the rejected ballots, the registration certificates and the list of electors, and shall seal the envelopes.

#### Documents to be enclosed in a large envelope

(3) The deputy returning officer shall seal in a large envelope supplied for the purpose

(a) the envelopes that contain the marked ballots for the candidates, any spoiled ballots, unused ballots or rejected ballots, and the official list of electors; and

(b) any other election documents, except for the envelopes that contain the statements of the vote and the registration certificates.

#### Documents to be placed in the ballot box

(4) The large envelope described in subsection (3) and the envelope that contains the copy of the statement of the vote shall be placed in the ballot box.

#### Sealing ballot box

(5) The ballot box shall be sealed by the deputy returning officer with the seals provided by the Chief Electoral Officer.



## ADVANCE POLLS

### Counting of votes on polling day

**289.** (1) The deputy returning officer of an advance poll shall, at the close of the polling stations on polling day, attend with the poll clerk at the place mentioned in the notice of advance poll in subparagraph 172(a)(iii) to count the votes.

### Application of rules for counting votes

(2) Subsections 283(1) and (2), paragraphs 283(3)(e) and (f) and sections 284 to 288 apply with any necessary modifications to the counting of the votes of an advance poll.

### Prohibition

(3) No person shall make a count of the votes cast at an advance poll before the close of the polling stations on polling day.

## DELIVERY OF BALLOT BOXES TO RETURNING OFFICER

### Sending ballot boxes and statement to returning officer

**290.** (1) The deputy returning officer for a polling station or an advance poll shall, without delay after sealing the ballot box, send the box, with the envelope that contains the original statement of the vote and the envelope that contains the registration certificate, to the returning officer.

### Collection of ballot boxes

(2) A returning officer may appoint persons to collect ballot boxes together with the envelopes referred to in subsection (1) from polling stations, and any person so appointed shall take the prescribed oath when he or she sends those materials to the returning officer.

### Provision of statements to candidates

**291.** A returning officer shall, on request, provide each candidate one copy of each statement of the vote in the candidate's electoral district.

### Safekeeping of ballot boxes

**292.** A returning officer, on the receipt of each ballot box, shall

(a) take every precaution to prevent any other person, except the assistant returning officer, from having access to it; and

(b) examine and record the condition of the seals affixed to it and, if necessary, affix new seals.

## PART 13

### VALIDATION OF RESULTS BY THE RETURNING OFFICER

#### Validation of results

**293.** (1) After a returning officer receives all of the ballot boxes, he or she shall, at his or her office, in the presence of the assistant returning officer at the time indicated in paragraph 62(c), validate the results of the vote from the original statements of the vote and the information communicated under section 280.

#### Adjournment if ballot boxes or information not received

(2) If, on the day fixed for the validation of the results as described in paragraph 62(c), a returning officer has not

received all the ballot boxes or the information required by section 280, the returning officer shall adjourn the proceedings for not more than seven days.

#### Further adjournment

(3) If, on the day fixed for the proceedings by virtue of an adjournment under subsection (2), the returning officer has not, for any reason, received the ballot boxes or information referred to in that subsection, the returning officer may make further adjournments. The further adjournments may not exceed a total of two weeks.

#### Witnesses at validation

**294.** Candidates and their representatives may attend the validation of the results, but if none of them is present, the returning officer shall ensure the presence of at least two electors until the validation is completed.

#### Opening ballot box in certain cases

**295.** (1) If the original statement of the vote is missing, appears to contain an error, to be incomplete or to have been altered, or is disputed by a candidate or his or her representative, the returning officer may open the ballot box and the envelope that contains the copy of the statement of the vote or, if that copy is missing, the large envelope.

#### Information on envelopes containing ballots

(2) If a copy of the statement of the vote is not found or is not useful for the purpose of validating the results, the returning officer may use the information that is written on the envelopes that contain the ballots for that purpose.

#### Limitation

(3) The returning officer shall not open an envelope that appears to contain ballots.

#### Resealing of loose papers

(4) If the returning officer opens the large envelope, he or she shall place its contents into another envelope, seal that envelope and initial the seal.

#### Loss or destruction of ballot boxes

**296.** (1) If a ballot box has been destroyed or is missing, the returning officer shall ascertain the cause of the destruction or loss and shall complete the validation of the results from the original copy of the statement of the vote in the same manner as if he or she had received the ballot box.

#### Power to summon and examine

(2) If the returning officer is unable to obtain either the original statement of the vote or the ballot box, he or she

(a) shall ascertain, by any evidence that he or she is able to obtain, the total number of votes cast for each candidate at the polling stations;

(b) for ascertaining the total number of votes under paragraph (a), may summon any deputy returning officer, poll clerk or other person to appear before him or her at a fixed date and time and to bring with them all necessary documents; and

(c) may examine on oath the deputy returning officer, poll clerk or other person respecting the matter in question.

#### Notice to candidates

(3) If paragraph (2)(b) applies, the returning officer shall give notice to the candidates for that electoral district of the date and time fixed for the appearance.

#### Obligation to comply with summons

(4) Every person to whom a summons is directed under paragraph (2)(b) shall obey it.

#### Certificate of votes cast

**297.** Without delay after the validation of the results, the returning officer shall prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate, and shall deliver the original of the certificate to the Chief Electoral Officer and a copy of it to each candidate or his or her representative. In the case described in section 296, the certificate shall indicate the number of votes that have been ascertained to have been cast for each candidate.

#### Ballot boxes

**298.** After the close of an election, each returning officer shall dispose of the ballot boxes as instructed by the Chief Electoral Officer.

## PART 14 JUDICIAL RECOUNT

### INTERPRETATION

#### Definition of "judge"

**299.** (1) In this Part, "judge" means a judge who sits in the electoral district where the results are validated.

#### Powers of judge

(2) A judge who is authorized by sections 300 to 309 to act may act, to the extent authorized, within or outside his or her judicial district.

### RECOUNT PROCEDURE

#### Request by returning officer for recount

**300.** (1) If the difference between the number of votes cast for the candidate with the most votes and the number cast for any other candidate is less than 1/1000 of the votes cast, the returning officer shall make a request to a judge for a recount within four days after the results are validated.

#### Notice to candidates

(2) The returning officer shall notify each candidate or his or her official agent in writing of the request for a recount.

#### Recount automatic

(3) The judge shall fix the date for the recount to be conducted within four days after he or she receives the request.

#### Documents to be supplied

(4) The returning officer shall attend the recount and shall bring all relevant election materials including

- (a) the ballot boxes;
- (b) the statements of the vote used to validate the results; and
- (c) all ballots cast and statements of the vote made in accordance with Part 11.

#### Application for recount

**301.** (1) An elector may, within four days after the date on which a returning officer issues a certificate under section 297, apply to a judge for a recount.

#### Grounds for recount

- (2) The judge shall fix a date for a recount if it appears, on the affidavit of a credible witness, that
- (a) a deputy returning officer has incorrectly counted or rejected any ballots, or has written an incorrect number on the statement of the vote for the votes cast for a candidate; or
  - (b) the returning officer has incorrectly added up the results set out in the statements of the vote.

#### Deposit

(3) The applicant shall deposit with the clerk or prothonotary of the court the sum of \$250 as security for the costs of the candidate who obtained the largest number of votes.

#### Date for recount and summons

(4) The date fixed for the recount shall be within four days after the judge receives the application. The judge shall summon the returning officer to attend and to bring the relevant ballot boxes and statements of the vote together with the ballots that were counted, and the statements that were completed, under Part 11.

#### Notice to candidates

(5) The judge shall notify each candidate or his or her official agent in writing of the time and place fixed for the recount. The judge may decide that service of the notice will be substitutional, by mail or posting or in any other manner.

#### Returning officer required to attend

(6) A returning officer to whom a summons is directed under subsection (4) shall obey it and shall be present throughout the recount.

#### More than one application

**302.** If a judge receives more than one application for a recount for more than one electoral district, the recounts shall be conducted in the order in which the judge receives the applications.

#### Right of candidate to attend

**303.** (1) Each candidate and up to three of his or her representatives may attend at a recount. If a candidate is not present and is not represented at the recount, no more than three electors are entitled to attend on the candidate's behalf.

#### No other person may attend

(2) Except with the permission of the judge, no person other than those described in subsection (1) and the returning officer may be present at the recount.

#### Recount procedure

**304.** (1) The judge shall conduct the recount by adding the number of votes reported in the statements of the vote or by counting the valid ballots or all of the ballots returned by the deputy returning officers or the Chief Electoral Officer.

#### Documents that may be examined

(2) If a recount of all of the ballots returned is required, the judge may open the sealed envelopes that contain the used and counted, unused, rejected and spoiled ballots. The judge shall not open any envelopes that appear to contain other documents or refer to any other election documents.

### Steps to be taken by judge

(3) At a recount, the judge shall

- (a) count the ballots in the manner prescribed for a deputy returning officer or a special ballot officer;
- (b) verify or correct, if necessary, each statement of the vote; and
- (c) review the decision of the returning officer with respect to the number of votes cast for a candidate, in the case of a missing or destroyed ballot box or statement of the vote.

### Powers of judge

(4) For the purpose of arriving at the facts with respect to a missing ballot box or statement of the vote, the judge has all the powers of a returning officer with regard to the attendance and examination of witnesses who, in case of non-attendance, are subject to the same consequences as in the case of refusal or neglect to attend on the summons of a returning officer.

### Additional powers of judge

(5) For the purpose of conducting a recount, a judge has the power to summon any deputy returning officer or poll clerk as a witness and to require him or her to give evidence on oath and, for that purpose, has the same power that is vested in any court of record.

### Clerical assistants

(6) Subject to the approval of the Chief Electoral Officer, a judge may retain the services of support staff to assist in the performance of his or her duties under this Part.

### Proceedings to be continuous

**305.** The judge shall, as far as practicable, proceed continuously with a recount, except for necessary breaks and, unless the judge orders otherwise, between 6:00 p.m. and 9:00 a.m.

### Security of documents

**306.** (1) During a break described in section 305, the judge or any other person who has possession of ballots and other election documents shall keep them sealed in parcels, and the seal shall be signed by the judge and may be signed by any other person in attendance.

### Supervision of sealing

(2) The judge shall personally supervise the parcelling and sealing of ballots and documents at a recount and take all necessary precautions for their security.

### Judge may terminate recount

**307.** Except in a case referred to in section 300, a judge may at any time terminate a recount on request in writing by the person who applied for the recount.

### Procedure at conclusion of recount

**308.** At the conclusion of a recount, the judge shall

- (a) seal the ballots in a separate envelope for each polling station and without delay prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate; and
- (b) deliver the original of the certificate to the returning officer and a copy of it to each candidate.

## Costs

**309.** (1) If a recount does not alter the result of the vote so as to affect the return, the judge shall

(a) order the costs of the candidate for whom the largest number of votes have been cast to be paid by the person who applied for the recount; and

(b) tax those costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

## Disposal of deposit and right of action for balance

(2) The money deposited as security for costs shall, as far as is necessary, be paid out to the candidate in whose favour costs are awarded under subsection (1) and, if the deposit is insufficient to cover the costs, the party in whose favour the costs are awarded has their action for the balance.

## Application for reimbursement of costs

**310.** (1) After a recount, a candidate may make an application to the Chief Electoral Officer for reimbursement of his or her costs in respect of the recount, setting out the amount and nature of the costs and whether they were actually and reasonably incurred.

## Chief Electoral Officer determines costs

(2) On receipt of an application under subsection (1), the Chief Electoral Officer shall determine the costs, and shall make a request for reimbursement to the Receiver General, up to a maximum of \$500 for each day or part of a day during which the judge conducted the recount.

## Payment from Consolidated Revenue Fund

(3) The Receiver General, on receipt of a request for reimbursement from the Chief Electoral Officer, shall pay to the candidate the amount requested from the Consolidated Revenue Fund.

## FAILURE OF JUDGE TO CONDUCT RECOUNT

### Failure of judge to act

**311.** (1) If a judge does not comply with the provisions of sections 300 to 309, an aggrieved party may, within eight days after the failure to comply, make application for an order under subsection (3)

(a) in the Province of Ontario, to a judge of the Superior Court of Justice;

(b) in the Province of Quebec, New Brunswick or Alberta, Yukon, the Northwest Territories or Nunavut, to a judge of the Court of Appeal of the Province or Territory;

(c) in the Province of Nova Scotia or British Columbia, to a judge of the Supreme Court of the Province;

(d) in the Province of Manitoba or Saskatchewan, to a judge of the Court of Queen's Bench for the Province;  
and

(e) in the Province of Prince Edward Island or Newfoundland, to a judge of the trial division of the Supreme Court of the Province.

### Application on affidavit

(2) An application under subsection (1) may be made on affidavit, which need not be entitled in any matter or cause, that sets out the facts relating to the failure to comply.

### Order of judge

(3) The judge to whom an application is made under subsection (1) shall, if it appears that there was a failure to comply, make an order

(a) fixing the time, within the following eight days, and place to hear the application;

(b) directing the attendance of all parties interested at that time and place; and

(c) giving directions for the service of the order, and of any affidavit on which it was granted, on the judge alleged to have failed to comply and on any other interested party.

#### Affidavits may be filed in reply

(4) The judge complained of and any interested party may file in the office of the clerk, registrar or prothonotary of the court of the judge to whom the application is made affidavits in reply to those filed by the applicant and shall provide the applicant with copies of them on demand.

2000, c. 9, s. 311; 2002, c. 7, s. 93.

#### Order of court after hearing

**312.** (1) After hearing the judge complained of and any other parties, the judge to whom the application was made or another judge of the same court

(a) shall make an order dismissing the application or ordering the judge in default to comply with the requirements of this Act in respect of the recount; and

(b) may make an order with respect to costs.

#### Judge to obey order

(2) A judge found to be in default shall without delay comply with an order made under subsection (1).

#### Costs

(3) Remedies for the recovery of costs awarded under paragraph (1)(b) are the same as for costs in ordinary cases in the same court.

## PART 15 RETURN OF THE WRIT

#### Return of elected candidate

**313.** (1) The returning officer, without delay after the sixth day that follows the completion of the validation of results or, if there is a recount, without delay after receiving the certificate referred to in section 308, shall declare elected the candidate who obtained the largest number of votes by completing the return of the writ in the prescribed form on the back of the writ.

#### Equality of votes

(2) If there is an equality of votes between the candidates with the largest number of votes, the returning officer shall indicate that on the return of the writ.

#### Sending of documents

**314.** (1) On completing the return of the writ, the returning officer shall without delay send to the Chief Electoral Officer all election documents in his or her possession together with

(a) a report of the returning officer's proceedings in the prescribed form including his or her comments with respect to the state of the election documents received from the deputy returning officers;

(b) a summary, in the prescribed form, of the number of votes cast for each candidate at each polling station; and

(c) all other documents that were used at the election.

#### Report re: disappearance of ballot box, etc.

(2) In any case arising under section 296, the returning officer shall mention specially in the report the circumstances accompanying the disappearance of the ballot boxes or the lack of any statement of the vote, and the mode by which the returning officer ascertained the number of votes cast for each candidate.

#### Duplicate of return to each candidate

**315.** (1) The returning officer shall forward a copy of the return of the writ to each candidate.

#### Premature return

(2) A premature return of the writ is deemed not to have reached the Chief Electoral Officer until it should have reached the Chief Electoral Officer in due course.

#### Correction of writ

(3) The Chief Electoral Officer shall, if necessary, send back the return of the writ and any or all of the related election documents to the returning officer for completion or correction.

#### Where report made before recount

**316.** (1) Where, at the time of the issue of an order under section 311 or 312, the returning officer for the electoral district in respect of which the order is made has made a return of the writ under section 314, the Chief Electoral Officer shall, on being provided with a certified copy of the order, send back to the returning officer all election documents required for use at the recount.

#### Duties of returning officer on recount

(2) On receiving a judge's certificate with respect to the result of a recount, the returning officer shall

(a) if the result of the recount is that a person other than the person named in the original return is to be returned, make a substitute return of the writ; or

(b) if the result of the recount is to confirm the return, send the papers back to the Chief Electoral Officer without delay and not make a substitute return of the writ.

#### Effect of substitute return

(3) A substitute return made under paragraph (2)(a) has the effect of cancelling the original return.

#### Procedure on receipt of return by Chief Electoral Officer

**317.** The Chief Electoral Officer, on receiving each return of the writ, shall, in the order in which the return is received,

(a) indicate, in a book kept by the Chief Electoral Officer for the purpose, that he or she has received it; and

(b) publish in the *Canada Gazette* the name of the candidate who was declared elected.

#### Equality of votes

**318.** If the return of the writ indicates an equality of votes between the candidates with the largest number of votes, the Chief Electoral Officer shall without delay

(a) prepare and send to the Speaker of the House of Commons or, if none, two members of the House or two



candidates who have been declared elected, as the case may be, a report stating that no candidate was declared elected in the electoral district because of the equality of votes; and

(b) publish in the *Canada Gazette*

(i) the names of the candidates between whom there was an equality of votes, and

(ii) notice that, as no candidate was declared elected in the electoral district because of the equality of votes, a by-election will be conducted under subsection 29(1.1) of the *Parliament of Canada Act*.

## PART 16 COMMUNICATIONS

### INTERPRETATION

#### Definitions

**319.** The definitions in this section apply in this Part.

"election advertising"  
«*publicité électorale* »

"election advertising" means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated. For greater certainty, it does not include

(a) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;

(b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election;

(c) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be; or

(d) the transmission by an individual, on a non-commercial basis on what is commonly known as the Internet, of his or her personal political views.

"election survey"  
«*sondage électorale* »

"election survey" means an opinion survey of how electors voted or will vote at an election or respecting an issue with which a registered party or candidate is associated.

"network"  
«*réseau* »

"network" means a network as defined in subsection 2(1) of the *Broadcasting Act*, but does not include a temporary network operation as defined in that subsection.

"network operator"  
«*exploitant de réseau* »

"network operator" means a person or undertaking to which permission has been granted by the Canadian Radio-television and Telecommunications Commission to form and operate a network.

"prime time"  
«*heures de grande écoute* »

"prime time" , in the case of a radio station, means the time between the hours of 6 a.m. and 9 a.m., noon and 2

p.m. and 4 p.m. and 7 p.m., and, in the case of a television station, means the hours between 6 p.m. and midnight.

## ELECTION ADVERTISING

### Message must be authorized

**320.** A candidate or registered party, or a person acting on their behalf, who causes election advertising to be conducted shall mention in or on the message that its transmission was authorized by the official agent of the candidate or by the registered agent of the party, as the case may be.

### Government means of transmission

**321.** (1) No person shall knowingly conduct election advertising or cause it to be conducted using a means of transmission of the Government of Canada.

### Application

(2) For the purpose of subsection (1), a person includes a group within the meaning of Part 17.

### Election advertising posters

**322.** (1) No landlord or person acting on their behalf may prohibit a tenant from displaying election advertising posters on the premises to which the lease relates and no condominium corporation or any of its agents may prohibit the owner of a condominium unit from displaying election advertising posters on the premises of his or her unit.

### Permitted restrictions

(2) Despite subsection (1), a landlord, person, condominium corporation or agent referred to in that subsection may set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises and may prohibit the display of election advertising posters in common areas of the building in which the premises are found.

### Blackout period

**323.** (1) No person shall knowingly transmit election advertising to the public in an electoral district on polling day before the close of all of the polling stations in the electoral district.

### Interpretation

(2) The transmission to the public of a notice of an event that the leader of a registered party intends to attend or an invitation to meet or hear the leader of a registered party is not election advertising for the purpose of subsection (1).

### Definition of "person"

(3) For the purpose of subsection (1), a person includes a registered party and a group within the meaning of Part 17.

### Exceptions

**324.** Subsection 323(1) does not apply in respect of

(a) the transmission of a message that was transmitted to the public on what is commonly known as the Internet before the blackout period described in that subsection and that was not changed during that period; or

(b) the distribution during that period of pamphlets or the posting of messages on signs, posters or banners.

2000, c. 9, s. 324; 2001, c. 21, s. 16(E).

#### Prohibition — prevention or impairment of transmission

**325.** (1) No person shall prevent or impair the transmission to the public of an election advertising message without the consent of a person with authority to authorize its transmission.

#### Exception

(2) Subsection (1) does not apply with respect to

(a) the prevention or impairment, by a public authority, of an unlawful transmission if reasonable notice has first been given to the person who authorized the transmission; or

(b) the removal by an employee of a public authority of a sign, poster or banner where the posting of it is a hazard to public safety.

## ELECTION OPINION SURVEYS

#### Transmission of election survey results

**326.** (1) The first person who transmits the results of an election survey — other than a survey that is described in section 327 — to the public during an election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public must provide the following together with the results:

(a) the name of the sponsor of the survey;

(b) the name of the person or organization that conducted the survey;

(c) the date on which or the period during which the survey was conducted;

(d) the population from which the sample of respondents was drawn;

(e) the number of people who were contacted to participate in the survey; and

(f) if applicable, the margin of error in respect of the data obtained.

#### Additional information — published surveys

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

(a) the wording of the survey questions in respect of which data is obtained; and

(b) the means by which a report referred to in subsection (3) may be obtained.

#### Report on survey results

(3) A sponsor of an election survey shall, at any time during an election period after the results of the survey are transmitted to the public, provide, on request, a copy of a written report on the results of the survey, as transmitted under subsection (1). The report shall include the following, as applicable:

(a) the name and address of the sponsor of the survey;

(b) the name and address of the person or organization that conducted the survey;

(c) the date on which or the period during which the survey was conducted;

- (d) information about the method used to collect the data from which the survey results are derived, including
- (i) the sampling method,
  - (ii) the population from which the sample was drawn,
  - (iii) the size of the initial sample,
  - (iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in the survey, refused to participate in the survey, and were ineligible to participate in the survey,
  - (v) the dates and time of day of the interviews,
  - (vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and
  - (vii) any weighting factors or normalization procedures used in deriving the results of the survey; and
- (e) the wording of the survey questions and, if applicable, the margins of error in respect of the data obtained.

#### Fee may be charged

- (4) A sponsor may charge a fee of up to \$0.25 per page for a copy of a report provided under subsection (3).

#### Broadcast of surveys not based on recognized statistical methods

**327.** The first person who transmits the results of an election survey that is not based on recognized statistical methods to the public during an election period and any person who transmits them within 24 hours after they are first transmitted to the public must indicate that the survey was not based on recognized statistical methods.

#### Prohibition — causing transmission of election survey results during blackout period

**328.** (1) No person shall knowingly cause to be transmitted to the public, in an electoral district on polling day before the close of all of the polling stations in that electoral district, the results of an election survey that have not previously been transmitted to the public.

#### Prohibition — transmission of election survey results during blackout period

(2) No person shall transmit to the public, in an electoral district on polling day before the close of all of the polling stations in that electoral district, the results of an election survey that have not previously been transmitted to the public.

#### Application

- (3) For the purpose of this section, a person includes a group within the meaning of Part 17.

### PREMATURE TRANSMISSION

#### Prohibition — premature transmission of results

**329.** No person shall transmit the result or purported result of the vote in an electoral district to the public in another electoral district before the close of all of the polling stations in that other electoral district.

### BROADCASTING OUTSIDE CANADA

#### Prohibition — use of broadcasting station outside Canada

**330.** (1) No person shall, with intent to influence persons to vote or refrain from voting or vote or refrain from voting for a particular candidate at an election, use, aid, abet, counsel or procure the use of a broadcasting station outside Canada, during an election period, for the broadcasting of any matter having reference to an election.

### Prohibition — broadcasting outside Canada

(2) During an election period, no person shall broadcast, outside Canada, election advertising with respect to an election.

## NON-INTERFERENCE BY FOREIGNERS

### Prohibition — inducements by non-residents

**331.** No person who does not reside in Canada shall, during an election period, in any way induce electors to vote or refrain from voting or vote or refrain from voting for a particular candidate unless the person is

(a) a Canadian citizen; or

(b) a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

2000, c. 9, s. 331; 2001, c. 27, s. 211.

## POLITICAL BROADCASTS

### Appointment of Broadcasting Arbitrator

**332.** (1) A Broadcasting Arbitrator shall be appointed by the Chief Electoral Officer without delay after the consultations described in section 333. The Broadcasting Arbitrator shall be

(a) chosen by a unanimous decision of representatives of registered parties; or

(b) named by the Chief Electoral Officer, if the consultations do not result in a unanimous decision.

### Term of office

(2) The term of office of the Broadcasting Arbitrator shall expire six months after polling day at the general election next following his or her appointment.

### Removal for cause

(3) The Chief Electoral Officer may remove the Broadcasting Arbitrator from office only for cause.

### Eligible for re-appointment

(4) A Broadcasting Arbitrator whose term of office has expired is eligible to be re-appointed.

### Salary

(5) A Broadcasting Arbitrator shall be paid the salary or other remuneration that may be fixed by the Chief Electoral Officer.

### Convening of representatives

**333.** (1) The Chief Electoral Officer shall hold a meeting of two representatives of each registered party represented in the House of Commons at that time, or if Parliament is dissolved, at the time of dissolution, designated in writing by their party leader, for the purpose of holding consultations to choose a Broadcasting Arbitrator. The meeting shall be held within

(a) 90 days after polling day at a general election; or

(b) 14 days after the day on which the Broadcasting Arbitrator dies, becomes incapacitated, resigns or is removed from office, if that day is not during the election period of a general election.

### Chairperson

(2) The Chief Electoral Officer shall designate the Chairperson at the meeting referred to in subsection (1) and at all subsequent consultations.

### Report

(3) The representatives of the registered parties referred to in subsection (1) shall make a report signed by each of them to the Chief Electoral Officer of the results of their consultations no later than

(a) six weeks after a meeting referred to in paragraph (1)(a); and

(b) four weeks after a meeting referred to in paragraph (1)(b).

### Vacancy during election period

**334.** In the event of the death, incapacity, resignation or removal of the Broadcasting Arbitrator during the election period of a general election, the Chief Electoral Officer shall appoint a new Broadcasting Arbitrator without delay.

### Broadcasting time to be provided to registered parties

**335.** (1) In the period beginning on the issue of the writs for a general election and ending at midnight on the day before polling day, every broadcaster shall, subject to the regulations made under the *Broadcasting Act* and the conditions of its licence, make available, for purchase by all registered parties for the transmission of political announcements and other programming produced by or on behalf of the registered parties, six and one-half hours of broadcasting time during prime time on its facilities.

### When broadcaster affiliated with network

(2) If a broadcaster is affiliated with a network, the part of the broadcasting time to be made available under subsection (1) that may be determined by agreement between the broadcaster and the network operator shall be made available by the network operator during the portion of the broadcaster's prime time broadcasting schedule that has been delegated to the control of the network operator.

2000, c. 9, s. 335; 2001, c. 21, s. 17.

### Request for meeting

**336.** (1) The Broadcasting Arbitrator shall convene a meeting of representatives of all registered parties to consult on the allocation of broadcasting time made available under section 335 within 30 days after the receipt of a written request from the chief agent of a registered party, or six months after the Broadcasting Arbitrator takes office, whichever is earlier.

### Time of request

(2) The written request may not be made until the Broadcasting Arbitrator has been in office for 60 days.

### Chairperson

(3) The Broadcasting Arbitrator shall act as Chairperson at any meeting referred to in subsection (1).

### No allocation

**337.** (1) A registered party shall not be allocated broadcasting time if, after receiving notice of the meeting referred to in subsection 336(1), the party

(a) indicates in writing to the Broadcasting Arbitrator that it does not wish to be allocated broadcasting time; or

(b) fails to communicate to the Broadcasting Arbitrator its intentions regarding the allocation of the

broadcasting time and fails to have its representative attend the meeting.

#### Agreement on allocation

(2) Unanimous agreement of the registered parties on the allocation of the broadcasting time is binding on all registered parties.

#### Broadcasting Arbitrator decides when no agreement

(3) If unanimous agreement is not reached within four weeks after the meeting referred to in subsection 336(1), the Broadcasting Arbitrator shall allocate the broadcasting time, and that allocation is binding on all registered parties.

#### Factors in allocation

**338.** (1) Subject to subsections (3) to (5), in allocating broadcasting time, the Broadcasting Arbitrator shall give equal weight to

(a) the percentage of seats in the House of Commons held by each of the registered parties at the previous general election; and

(b) the percentage of the popular vote at the previous general election of each registered party.

The Broadcasting Arbitrator shall in addition give half the weight given to each of the factors referred to in paragraphs (a) and (b) to the number of candidates endorsed by each of the registered parties at the previous general election, expressed as a percentage of all candidates endorsed by all registered parties at that election.

#### Allocation where merger of parties

(2) Subject to subsections (3) to (5), in allocating broadcasting time in the case of the merger of two or more registered parties, the Broadcasting Arbitrator shall

(a) in determining the percentage of seats held by a merged party at the previous general election for the purpose of paragraph (1)(a), include the total number of seats held by the merging parties;

(b) in determining the percentage of the popular vote of a merged party at the previous general election for the purpose of paragraph (1)(b), include the total number of votes obtained by the merging parties; and

(c) for the purpose of giving the half-weight under subsection (1), assign to the merged party the number of candidates endorsed by the merging party that had the greatest number of candidates at that election.

#### No allocation in excess of 50%

(3) In no case shall the Broadcasting Arbitrator allocate more than 50% of the total of the broadcasting time to a registered party.

#### Allocation of time in excess of 50%

(4) If the calculation under subsection (1) would give more than 50% of the total of the broadcasting time to a registered party, the Broadcasting Arbitrator shall allocate the excess amount to the other registered parties entitled to broadcasting time on a proportionate basis.

#### Discretion re allocation

(5) If the Broadcasting Arbitrator considers that an allocation determined in accordance with subsection (1) would be unfair to a registered party or contrary to the public interest, the allocation may be modified, subject to subsections (3) and (4), in any manner that the Broadcasting Arbitrator considers appropriate.

#### Notification of allocation

(6) The Broadcasting Arbitrator shall, as soon as possible, give notice in writing of every allocation of broadcasting time made by the Broadcasting Arbitrator or by the registered parties to

(a) every registered party; and

(b) every political party that became an eligible party either before or after the allocation.

The notice shall advise an eligible party referred to in paragraph (b) that it has 30 days after the receipt of the notice to request that broadcasting time be made available to it, for purchase, under section 339.

#### New parties entitled to broadcasting time

**339.** (1) Subject to subsection (4), every eligible party referred to in paragraph 338(6)(b) that makes a request as described in subsection 338(6) within the time referred to in that subsection is entitled to purchase broadcasting time in an amount equal to the lesser of

(a) the smallest portion of broadcasting time to be made available under section 335 allocated to a registered party under sections 337 and 338, and

(b) six minutes.

#### Parties not entitled to time

(2) An eligible party referred to in paragraph 338(6)(b) is not entitled to have any broadcasting time made available to it under this section if the party

(a) indicates in writing that it does not wish any broadcasting time under this section; or

(b) fails to make a request as described in subsection 338(6) within the time referred to in that subsection.

#### Broadcasting time to be provided to new eligible parties

(3) In addition to the broadcasting time to be made available under section 335, and within the period referred to in that section, every broadcaster shall, subject to the regulations made under the *Broadcasting Act* and to the conditions of its licence, make available, for purchase by every eligible party entitled to broadcasting time under this section, broadcasting time in the amount determined under this section for the eligible party for the transmission of political announcements and other programming produced by or on behalf of the eligible party during prime time on that broadcaster's facilities.

#### Maximum of 39 minutes

(4) The maximum amount of broadcasting time available for purchase by eligible parties under this section is 39 minutes and, once that amount of broadcasting time is reached, all entitlement under this section shall be altered or established to be of whatever number of minutes or portions of minutes is necessary so that all eligible parties requesting time under this section receive the same amount of time within the 39-minute limit.

#### Reallocation in case of deregistration

**340.** (1) If a registered party to which broadcasting time has been allocated under this Part is subsequently deregistered, the Broadcasting Arbitrator, within two weeks after publication in the *Canada Gazette* of the notice of deregistration, shall convene the representatives of the remaining registered parties and eligible parties to which broadcasting time has been allocated for the purpose of reallocating that party's broadcasting time.

#### Reallocation in case of loss of eligibility

(2) Where an eligible party to which broadcasting time has been allocated under section 339 subsequently ceases to be an eligible party, the Broadcasting Arbitrator, within two weeks after the cessation of eligibility, shall convene the representatives of the remaining registered parties and eligible parties to whom broadcasting time has been allocated for the purpose of reallocating that party's broadcasting time.

#### Exception

(3) If the deregistration or cessation of eligibility referred to in subsection (1) or (2), respectively, occurs after the issue of the writs for a general election, the broadcasting time that was allocated to the deregistered party or to



the party that has ceased to be eligible shall not be reallocated.

2000, c. 9, s. 340; 2003, c. 19, s. 5.

### Reallocation in case of merger

**341.** If two or more registered parties merge after an allocation of the broadcasting time to be made available under section 335, the Broadcasting Arbitrator shall without delay convene the representatives of the registered parties, including the merged parties, for the purpose of reallocating the broadcasting time allocated to all registered parties.

### Broadcasters to be notified

**342.** (1) The Broadcasting Arbitrator shall notify the Canadian Radio-television and Telecommunications Commission of every allocation under sections 337 and 338 and every entitlement under section 339 as soon as possible after it is made or requested and the Commission shall notify every broadcaster and every network operator of every such allocation and entitlement without delay after it is made and again immediately after the issue of the writs for the next general election.

### Information to parties

(2) The Broadcasting Arbitrator shall, on request, provide all registered parties and all eligible parties referred to in paragraph 338(6)(b) with the names and addresses of all broadcasters and network operators.

### Annual review

**343.** (1) In each of the calendar years after the calendar year in which an allocation of broadcasting time has been made under sections 337 and 338 or an eligible party has requested and has become entitled to broadcasting time under section 339, the Broadcasting Arbitrator shall convene and chair a meeting of the representatives of all registered parties to review the allocation or entitlement.

### Reduction to six and one-half hours

(2) If, at a meeting referred to in subsection (1), it is determined that the total broadcasting time allocated or requested exceeds six and one-half hours, the Broadcasting Arbitrator shall reduce the allocated or requested time to six and one-half hours on a proportionate basis and that reduction shall be final and binding on all registered parties and eligible parties.

### Definitions

**344.** (1) The definitions in this subsection apply in subsections (2) and (5). "commercial time"  
«*temps commercial*»

"commercial time" means any period of two minutes or less during which a broadcaster normally presents commercial messages, public service announcements or station or network identification.

"program time"  
«*durée de l'émission*»

"program time" means any period longer than two minutes during which a broadcaster does not normally present commercial messages, public service announcements or station or network identification.

### Notice of preference by party

(2) Each registered party and each eligible party entitled to purchase broadcasting time under this Act shall, not later than 10 days after the issue of the writs for a general election, send a notice in writing to each broadcaster and each network operator from whom it intends to purchase broadcasting time, setting out its preference as to the proportion of commercial time and program time to be made available to it and the days on which and the hours during which that time as so proportioned is to be made available, but at no time shall that party obtain broadcasting time before the 5th day after the notice is received by the broadcaster or network operator.

### Consultation to reach agreement

(3) Every broadcaster or network operator who receives a notice under subsection (2) shall, within two days after its receipt, consult with representatives of the registered party or eligible party that sent the notice for the purpose of reaching an agreement on the requests contained in it.

### When no agreement

(4) If no agreement is reached under subsection (3) within two days after the commencement of the consultation required by that subsection, the matter shall be referred to the Broadcasting Arbitrator who shall decide on the requests without delay and give notice of his or her decision to the broadcaster or network operator and to the representatives of the registered party or eligible party that made the requests.

### Factors in decision

(5) In making a decision under subsection (4), the Broadcasting Arbitrator shall take into account the following principles:

(a) that each registered party and each eligible party should have the freedom and flexibility to determine the proportion of commercial time and program time to be made available to it and the days on which and the hours during which that time as so proportioned should be made available; and

(b) that any broadcasting time to be made available to a registered party or eligible party should be made available fairly throughout prime time.

### Decision binding

(6) A decision of the Broadcasting Arbitrator under subsection (4) is final and binding on the registered party or eligible party, as the case may be, and the broadcaster or network operator.

### Free broadcasting time

**345.** (1) In the period beginning on the issue of the writs for a general election and ending at midnight on the day before polling day at that election, every network operator shall, subject to the regulations made under the *Broadcasting Act* and to the conditions of its licence, make available, at no cost, to the registered parties and eligible parties referred to in subsection (2), for the transmission of political announcements and other programming produced by or on behalf of those parties, broadcasting time as determined under that subsection if the network formed and operated by the network operator

(a) reaches a majority of Canadians whose mother tongue is the same as that in which the network broadcasts;

(b) is licensed with respect to more than a particular series of programs or type of programming; and

(c) does not involve a distribution undertaking as defined in subsection 2(1) of the *Broadcasting Act*.

### Determination of free broadcasting time

(2) For the purpose of subsection (1), the minimum amount of broadcasting time that a network operator is to make available shall be no less than the amount of free broadcasting time made available by it at the last general election and shall be made available as follows:

(a) two minutes to every registered party referred to in paragraph 337(1)(a) and every eligible party referred to in paragraph 339(2)(a); and

(b) the remainder to all registered parties that have been allocated any of the broadcasting time to be made available under section 335 and all eligible parties that have requested broadcasting time under section 339 in the proportion that their allocated or requested purchasable broadcasting time bears to the total broadcasting time allocated or requested under those sections.

### Free time not election expense

(3) The value of free broadcasting time made available to a registered party under this section shall not be taken into consideration in calculating its election expenses within the meaning of section 407.

#### Determination of population reached

(4) For the purpose of subsection (1), a network is deemed to reach

(a) people resident within the areas served by broadcasting stations affiliated to the network that

(i) in the case of A.M. radio stations, are enclosed by the night-time interference-free official contour of the stations,

(ii) in the case of F.M. radio stations, are enclosed by the 50 mV per metre official contour of the stations, and

(iii) in the case of television stations, are enclosed by the Grade B official contour of the stations; and

(b) people resident outside the areas described in paragraph (a) to whom the signals of broadcasting stations affiliated to the network are available via distribution undertakings licensed by the Canadian Radio-television and Telecommunications Commission.

2000, c. 9, s. 345; 2001, c. 21, s. 18.

#### Broadcasting Arbitrator to prepare guidelines

**346.** The Broadcasting Arbitrator shall, not later than two days after the issue of the writs for a general election, prepare and send to the Canadian Radio-television and Telecommunications Commission a set of guidelines respecting

(a) the allocation of or entitlement to broadcasting time under this Act;

(b) the procedures for booking broadcasting time by registered parties and eligible parties; and

(c) any other matters that may be pertinent to the conduct of broadcasters and network operators under this Act.

#### C.R.T.C. to prepare and send guidelines

**347.** The Canadian Radio-television and Telecommunications Commission shall, not later than four days after the issue of the writs for a general election, prepare a set of guidelines respecting the applicability of the *Broadcasting Act* and the regulations made under that Act to the conduct of broadcasters and network operators in relation to a general election and send them, together with the set of guidelines sent by the Broadcasting Arbitrator under section 346, to all broadcasters and network operators.

#### Prohibition relating to rates charged

**348.** No person shall charge a registered party, any other political party or a candidate or a person acting on behalf of any of them,

(a) a rate for broadcasting time made available to the party or candidate, in the period beginning on the issue of the writs and ending at midnight on the day before polling day, that exceeds the lowest rate charged by the person for an equal amount of equivalent time on the same facilities made available to any other person at any time within that period; or

(b) a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in paragraph (a) that exceeds the lowest rate charged by the person for an equal amount of equivalent advertising space in the same issue of the periodical publication or in any other issue of it that is published or distributed and made public in that period.

2000, c. 9, s. 348; 2001, c. 21, s. 19.

## THIRD PARTY ELECTION ADVERTISING

### Definitions

**349.** The definitions in this section apply in this Part.

"election advertising"  
«*publicité électorale* »

"election advertising" has the same meaning as in section 319.

"election advertising expense"  
«*dépenses de publicité électorale* »

"election advertising expense" means an expense incurred in relation to

(a) the production of an election advertising message; and

(b) the acquisition of the means of transmission to the public of an election advertising message.

"expenses"  
«*dépenses* »

"expenses" means

(a) amounts paid;

(b) liabilities incurred;

(c) the commercial value of property and services, other than volunteer labour, that are donated or provided;  
and

(d) amounts that represent the difference between an amount paid or a liability incurred for property and services, other than volunteer labour, and the commercial value of the property and services, when they are provided at less than their commercial value.

"group"  
«*groupe* »

"group" means an unincorporated trade union, trade association or other group of persons acting together by mutual consent for a common purpose.

"third party"  
«*tiers* »

"third party" means a person or a group, other than a candidate, registered party or electoral district association of a registered party.

### Spending limit

**350.** (1) A third party shall not incur election advertising expenses of a total amount of more than \$150,000 during an election period in relation to a general election.

### Spending limit — electoral district

(2) Not more than \$3,000 of the total amount referred to in subsection (1) shall be incurred to promote or oppose the election of one or more candidates in a given electoral district, including by

(a) naming them;

- (b) showing their likenesses;
- (c) identifying them by their respective political affiliations; or
- (d) taking a position on an issue with which they are particularly associated.

#### Expenses re party leader

(3) The limit set out in subsection (2) only applies to an amount incurred with respect to a leader of a registered party or eligible party to the extent that it is incurred to promote or oppose his or her election in a given electoral district.

#### Spending limit — by-election

(4) A third party shall not incur election advertising expenses of a total amount of more than \$3,000 in a given electoral district during the election period of a by-election.

#### Third party inflation adjustment factor

(5) The amounts referred to in subsections (1), (2) and (4) shall be multiplied by the inflation adjustment factor referred to in section 414 that is in effect on the issue of the writ or writs.

#### No combination to exceed limit

**351.** A third party shall not circumvent, or attempt to circumvent, a limit set out in section 350 in any manner, including by splitting itself into two or more third parties for the purpose of circumventing the limit or acting in collusion with another third party so that their combined election advertising expenses exceed the limit.

#### Advertising must name third party

**352.** A third party shall identify itself in any election advertising placed by it and indicate that it has authorized the advertising.

#### Registration requirement for third parties

**353.** (1) A third party shall register immediately after having incurred election advertising expenses of a total amount of \$500 and may not register before the issue of the writ.

#### Application for registration

- (2) An application for registration shall be sent to the Chief Electoral Officer in the prescribed form and shall include
- (a) the name, address and telephone number of
    - (i) if the third party is an individual, the individual,
    - (ii) if the third party is a corporation, the corporation and the officer who has signing authority for it, and
    - (iii) if the third party is a group, the group and a person who is responsible for the group;
  - (b) the signature of the individual, officer or person referred to in subparagraph (a)(i), (ii) or (iii), respectively, as the case may be;
  - (c) the address and telephone number of the office of the third party where its books and records are kept and of the office to which communications may be addressed; and
  - (d) the name, address and telephone number of the third party's financial agent.

#### Declaration of financial agent to accompany application

(3) An application under subsection (2) must be accompanied by a declaration signed by the financial agent

accepting the appointment.

#### New financial agent

(4) If a third party's financial agent is replaced, it shall, without delay, provide the Chief Electoral Officer with the new financial agent's name, address and telephone number and a declaration signed by the new financial agent accepting the appointment.

#### Trade union or corporation

(5) If the third party is a trade union, corporation or other entity with a governing body, the application must include a copy of the resolution passed by its governing body authorizing it to incur election advertising expenses.

#### Examination of application

(6) The Chief Electoral Officer shall, without delay after receiving an application, determine whether the requirements set out in subsections (1) to (3) and (5) are met and shall then notify the person who signed the application whether the third party is registered. In the case of a refusal to register, the Chief Electoral Officer shall give reasons for the refusal.

#### Application rejected

(7) A third party may not be registered under a name that, in the opinion of the Chief Electoral Officer, is likely to be confused with the name of a candidate, registered party, registered third party or eligible party.

#### Registration ends

(8) The registration of a third party is valid only for the election period during which the application is made, but the third party continues to be subject to the requirement to file an election advertising report under subsection 359(1).

#### Appointment of financial agent

**354.** (1) A third party that is required to register under subsection 353(1) shall appoint a financial agent who may be a person who is authorized to sign an application for registration made under that subsection.

#### Financial agent — ineligible persons

(2) The following persons are not eligible to be a financial agent of a third party:

- (a) a candidate or an official agent of a candidate;
- (b) a person who is the chief agent, or a registered agent, of a registered party;
- (c) an election officer or an employee of a returning officer; and
- (d) a person who is not a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

2000, c. 9, s. 354; 2001, c. 27, s. 212.

#### Requirement to appoint auditor

**355.** (1) A third party that incurs election advertising expenses in an aggregate amount of \$5,000 or more must appoint an auditor without delay.

#### Eligibility criteria

(2) The following are eligible to be an auditor for a third party:

- (a) a person who is a member in good standing of a corporation, an association or an institute of professional

accountants; or

(b) a partnership every partner of which is a member in good standing of a corporation, an association or an institute of professional accountants.

#### Ineligibility criteria

(3) The following persons are not eligible to be an auditor for a third party:

- (a) the third party's financial agent;
- (b) a person who signed the application made under subsection 353(2);
- (c) an election officer;
- (d) a candidate;
- (e) the official agent of a candidate;
- (f) the chief agent of a registered party or an eligible party; and
- (g) a registered agent of a registered party.

#### Notification of appointment

(4) Every third party, without delay after an auditor is appointed, must provide the Chief Electoral Officer with the auditor's name, address, telephone number and occupation and a signed declaration accepting the appointment.

#### New auditor

(5) If a third party's auditor is replaced, it must, without delay, provide the Chief Electoral Officer with the new auditor's name, address, telephone number and occupation and a signed declaration accepting the appointment.

#### Registry of third parties

**356.** The Chief Electoral Officer shall maintain, for the period that he or she considers appropriate, a registry of third parties in which is recorded, in relation to each third party, the information referred to in subsections 353(2) and 355(4) and (5).

#### Authorization by financial agent for expenses, etc.

**357.** (1) Every contribution made during an election period to a registered third party for election advertising purposes must be accepted by, and every election advertising expense incurred on behalf of a third party must be authorized by, its financial agent.

#### Delegation

(2) A financial agent may authorize a person to accept contributions or incur election advertising expenses, but that authorization does not limit the responsibility of the financial agent.

#### Prohibited use of certain contributions

(3) No third party shall use a contribution for election advertising if the third party does not know the name and address of the contributor or is otherwise unable to determine within which class of contributor referred to in subsection 359(6) they fall.

#### Prohibition — use of foreign contributions

**358.** No third party shall use a contribution for election advertising purposes if the contribution is from

- (a) a person who is not a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of

the *Immigration and Refugee Protection Act*,

- (b) a corporation or an association that does not carry on business in Canada;
- (c) a trade union that does not hold bargaining rights for employees in Canada;
- (d) a foreign political party; or
- (e) a foreign government or an agent of one.

2000, c. 9, s. 358; 2001, c. 27, s. 213.

### Election advertising report

**359.** (1) Every third party that is required to be registered in accordance with subsection 353(1) shall file an election advertising report in the prescribed form with the Chief Electoral Officer within four months after polling day.

### Contents of report

(2) An election advertising report shall contain

(a) in the case of a general election,

(i) a list of election advertising expenses referred to in subsection 350(2) and the time and place of the broadcast or publication of the advertisements to which the expenses relate, and

(ii) a list of all election advertising expenses other than those referred to in subparagraph (i) and the time and place of broadcast or publication of the advertisements to which the expenses relate; and

(b) in the case of a by-election, a list of election advertising expenses referred to in subsection 350(4) and the time and place of the broadcast or publication of the advertisements to which the expenses relate.

### When no expenses

(3) If a third party has not incurred expenses referred to in paragraph (2)(a) or (b), that fact shall be indicated in its election advertising report.

### Contributions

(4) The election advertising report shall include

(a) the amount, by class of contributor, of contributions for election advertising purposes that were received in the period beginning six months before the issue of the writ and ending on polling day;

(b) for each contributor who made contributions of a total amount of more than \$200 for election advertising purposes during the period referred to in paragraph (a), subject to paragraph (b.1), their name, address and class, and the amount and date of each contribution;

(b.1) in the case of a numbered company that is a contributor referred to in paragraph (b), the name of the chief executive officer or president of that company; and

(c) the amount, other than an amount of a contribution referred to in paragraph (a), that was paid out of the third party's own funds for election advertising expenses.

### Loans

(5) For the purpose of subsection (4), a contribution includes a loan.

### Categories



(6) For the purposes of paragraphs (4)(a) and (b), the following are the classes of contributor:

- (a) individuals;
- (b) businesses;
- (c) commercial organizations;
- (d) governments;
- (e) trade unions;
- (f) corporations without share capital other than trade unions; and
- (g) unincorporated organizations or associations other than trade unions.

#### Names must be provided

(7) If the third party is unable to identify which contributions were received for election advertising purposes in the period referred to in paragraph (4)(a), it must list, subject to paragraph (4)(b.1), the names and addresses of every contributor who donated a total of more than \$200 to it during that period.

#### Declaration

(8) An election advertising report shall include the signed declarations of the financial agent and, if different, of the person who signed the application made under subsection 353(2) that the report is accurate.

#### Bills, receipts

(9) A third party shall, at the request of the Chief Electoral Officer, provide the original of any bill, voucher or receipt in relation to an election advertising expense that is in an amount of more than \$50.

2000, c. 9, s. 359; 2001, c. 21, s. 20.

#### Auditor's report

**360.** (1) The election advertising report of a third party that incurs \$5,000 or more in election advertising expenses must include a report made under subsection (2).

#### Auditor's report

(2) The third party's auditor shall report on the election advertising report and shall make any examination that will enable the auditor to give an opinion in the report as to whether the election advertising report presents fairly the information contained in the accounting records on which it is based.

#### Statement

(3) An auditor shall include in the report any statement that the auditor considers necessary, when

- (a) the election advertising report that is the subject of the auditor's report does not present fairly the information contained in the accounting records on which it is based;
- (b) the auditor has not received from the third party all of the required information and explanation; or
- (c) based on the auditor's examination, it appears that proper accounting records have not been kept by the third party.

#### Right of access

(4) The auditor shall have access at any reasonable time to all of the documents of the third party, and may require the third party to provide any information or explanation, that, in the auditor's opinion, is necessary to

enable the auditor to prepare the report.

#### Corrections to election expenses report

**361.** The Chief Electoral Officer may make a correction in a report referred to in subsection 359(1) if the error does not materially affect the substance of the report.

#### Publication

**362.** The Chief Electoral Officer shall, in the manner he or she considers appropriate,

(a) publish the names and addresses of registered third parties, as they are registered; and

(b) publish, within one year after the issue of the writ, reports made under subsection 359(1).

## PART 18

### FINANCIAL ADMINISTRATION

#### GENERAL PROVISIONS

**363.** [Repealed, 2003, c. 19, s. 6]

#### Annual fiscal period

**364.** The fiscal period of a registered party is the calendar year.

#### Deeming

**365.** For the purposes of this Part, a candidate is deemed to have been a candidate from the time he or she accepts a contribution or incurs an electoral campaign expense referred to in section 406.

## DIVISION 1

### REGISTRATION OF POLITICAL PARTIES

#### *Application for Registration*

#### Application for registration

**366.** (1) The leader of a political party may apply to the Chief Electoral Officer for the political party to become a registered party.

#### Contents of application

(2) An application for registration must include

(a) the full name of the political party;

(b) the short-form name of the party, or its abbreviation, if any, that is to be shown in election documents;

(c) the party's logo, if any;

(d) the name and address of the leader of the party and a copy of the party's resolution to appoint the leader, certified by the leader and another officer of the party;

(e) the address of the office of the party where records are maintained and to which communications may be

addressed;

(f) the names and addresses of the officers of the party and their signed consent to act;

(g) the name and address of the appointed auditor of the party and their signed consent to act;

(h) the name and address of the party's chief agent and his or her signed consent to act;

(i) the names and addresses of 250 electors and their declarations in the prescribed form that they are members of the party and support the party's application for registration; and

(j) the leader's declaration in the prescribed form that, having considered all of the factors — including those described in subsection 521.1(5) — relevant to determining the party's purposes, one of the party's fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election.

#### Additional information

(3) To confirm that the purpose referred to in paragraph (2)(j) is one of the party's fundamental purposes, the Chief Electoral Officer may ask the party's leader to provide any relevant information, including the information described in subsection 521.1(5).

2000, c. 9, s. 366; 2004, c. 24, s. 3.

#### Withdrawal of application

**367.** A leader who has made an application under subsection 366(1) may withdraw it at any time before registration by sending a signed request to that effect to the Chief Electoral Officer.

#### Eligibility for registration

**368.** A political party whose leader has made an application under subsection 366(1) becomes eligible for registration if

(a) its name, short-form name, abbreviation or logo does not

(i) so resemble the name, short-form name, abbreviation or logo of a registered party or an eligible party that it would, in the Chief Electoral Officer's opinion, likely be confused with it, or

(ii) include the word "independent" or a word that so resembles "independent" that it would, in the Chief Electoral Officer's opinion, likely be confused with it;

(b) the party has at least three officers in addition to its leader and has appointed a chief agent and an auditor; and

(c) the Chief Electoral Officer is satisfied that the party has provided the information required under subsection 366(2) and that the information is accurate.

2000, c. 9, s. 368; 2004, c. 24, s. 4.

#### Preservation of name

**368.1** In the period of 30 days after the deregistration of a political party,

(a) no application for another political party to become a registered party may be accepted — and no report under section 382 shall be effective — that would permit another political party to use a name, short-form name, abbreviation or logo that would, in the Chief Electoral Officer's opinion, likely be confused with that of the deregistered party; and

(b) if a new application is made for the registration of the deregistered party under the name, short-form name, abbreviation and logo that it had at the time of its deregistration, the Chief Electoral Officer may not

refuse the application on the ground that it does not comply with paragraph 368(a).

2003, c. 19, s. 7.

#### Notification of eligibility

**369.** (1) The Chief Electoral Officer shall, as soon as practicable after the day on which the application is received, inform the leader of a political party that has applied to become registered whether or not the party is eligible for registration under section 368. If the party is not eligible, he or she shall also indicate which of that section's requirements have not been met.

#### Loss of eligibility

(2) A political party, having been informed of its eligibility under subsection (1), loses its eligibility if

(a) it contravenes any of section 371, subsection 374.1(1), sections 378 to 380.1, subsections 382(1), (3) and (4) and 383(1) and section 384;

(b) one of its officers is not eligible under subsection 374.1(2);

(c) its chief agent is not eligible under section 376; or

(d) its auditor is not eligible under section 377.

2000, c. 9, s. 369; 2004, c. 24, s. 5.

#### Registration

**370.** (1) An eligible party becomes a registered party if it has at least one candidate whose nomination has been confirmed for an election and its application to become registered was made at least 60 days before the issue of the writ or writs for that election and has not been withdrawn.

#### Late application

(2) An eligible party whose application was made after the 60 days referred to in subsection (1) becomes a registered party for the next general election — or any by-election that precedes it — if it satisfies the requirements of that subsection for that election.

#### Notification

(3) The Chief Electoral Officer shall, as soon as practicable after the 48-hour period following the close of nominations,

(a) inform the leader of an eligible party that meets the requirements of subsection (1) that the party has been registered; and

(b) in the case of a general election, inform the leader of an eligible party that does not meet the requirements of subsection (1) that the party has not been registered.

#### Loss of eligibility

(4) An eligible party, other than one referred to in subsection (2), loses its eligibility on being informed under subsection (3) that it has not been registered.

#### Eligible party deemed registered

(5) For the purposes of sections 407, 422, 429 and 435, an eligible party that becomes registered under subsection (1) is deemed to have been registered from the day of the issue of the writ or writs for that election.

2000, c. 9, s. 370; 2004, c. 24, s. 5.

### Report on agents of eligible parties

**371.** An eligible party shall, within 30 days after being informed, under subsection 369(1), of its eligibility, provide the Chief Electoral Officer with a written report, certified by its leader or chief agent, containing the name and address of any person appointed as its registered agent and any terms and conditions to which the appointment is subject. The Chief Electoral Officer shall, on the registration of the eligible party, register that information in the registry of parties.

### Statement of assets and liabilities

**372.** Within six months after becoming a registered party, the registered party shall provide the Chief Electoral Officer with

(a) a statement, prepared in accordance with generally accepted accounting principles, of its assets and liabilities, including any surplus or deficit, as of the day before the effective date of the registration;

(b) a report on that statement made by the registered party's auditor to its chief agent that contains the auditor's opinion as to whether that statement presents fairly and in accordance with generally accepted accounting principles the information on which it is based; and

(c) a declaration in the prescribed form by the chief agent of the registered party concerning that statement.

2000, c. 9, s. 372; 2003, c. 19, s. 8.

### Adjustment of fiscal period for newly registered party

**373.** Without delay after becoming registered, a political party shall, if necessary, vary its fiscal period so that it ends at the end of the calendar year. The then current fiscal period may not be less than 6 months or more than 18 months.

### Registry of parties

**374.** The Chief Electoral Officer shall maintain a registry of parties that contains the information referred to in paragraphs 366(2)(a) to (h) and in subsections 375(3) and 390(3).

## *Officers, Registered Agents, Auditors and Members*

### Minimum number of officers

**374.1** (1) Subject to subsection (3), a registered party and an eligible party shall have at least three officers in addition to the leader of the party.

### Eligibility — officer

(2) Only a person whose ordinary residence is in Canada is eligible to be an officer of a registered party or an eligible party.

### Appointment of a replacement

(3) In the event of the death, incapacity, resignation, ineligibility or revocation of the appointment of an officer of a registered party or an eligible party, the party shall, if the remaining number of officers is less than four, appoint a replacement within 30 days.

### Report of appointment

(4) Within 30 days after the appointment of the replacement, the registered party or eligible party shall inform the Chief Electoral Officer by providing a report under subsection 382(1).

2004, c. 24, s. 7.

### Registered agents

**375.** (1) A registered party may, subject to any terms and conditions that it specifies, appoint persons to act as its registered agents.

(2) [Repealed, 2003, c. 19, s. 9]

### Report of appointment

(3) Within 30 days after an appointment of a person as a registered agent, the registered party shall provide the Chief Electoral Officer with a written report, certified by its leader or chief agent, that includes the person's name and address and any terms and conditions to which the appointment is subject. The Chief Electoral Officer shall enter that information in the registry of parties.

2000, c. 9, s. 375; 2003, c. 19, s. 9.

### Agents — eligible corporations

**376.** (1) A corporation incorporated under the laws of Canada or a province is eligible to be

(a) a chief agent or a registered agent of a registered party; or

(b) a chief agent or an agent of an eligible party.

### Agents — ineligible persons

(2) The following persons are not eligible to be a chief agent, a registered agent or an agent:

(a) an election officer or a member of the staff of a returning officer;

(a.1) a candidate;

(a.2) an undischarged bankrupt;

(b) an auditor appointed as required by this Act;

(c) subject to subsection (1), a person who is not an elector; and

(d) a person who does not have the capacity to enter into contracts in the province in which the person ordinarily resides.

2000, c. 9, s. 376; 2003, c. 19, s. 10.

### Auditor — eligibility

**377.** (1) Only the following are eligible to be an auditor for a registered party or an eligible party:

(a) a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or

(b) a partnership of which every partner is a member in good standing of a corporation, an association or an institute of professional accountants.

### Auditor — ineligible persons

(2) The following persons are not eligible to be an auditor:

(a) an election officer or a member of the staff of a returning officer;

- (b) a candidate;
- (b.1) an officer of a registered party or an eligible party;
- (c) an official agent of a candidate;
- (d) a chief agent of a registered party or an eligible party;
- (e) a registered agent of a registered party;
- (f) electoral district agents of registered associations;
- (g) leadership contestants and their leadership campaign agents;
- (h) nomination contestants and their financial agents; and
- (i) financial agents of registered third parties.

2000, c. 9, s. 377; 2003, c. 19, s. 11; 2004, c. 24, s. 8.

#### Consent

**378.** A registered party and an eligible party shall obtain from its officers, chief agent and auditor, on appointment, their signed consent to act.

2000, c. 9, s. 378; 2004, c. 24, s. 9.

#### Death, incapacity, resignation or revocation

**379.** (1) In the event of the death, incapacity, resignation or revocation of the appointment of its chief agent or auditor, a registered party or eligible party shall without delay appoint a replacement.

#### Report of appointment

(2) Within 30 days after the appointment of a replacement under subsection (1), a registered party or eligible party shall inform the Chief Electoral Officer of it by providing a report under subsection 382(1).

#### Only one chief agent and auditor

**380.** A registered party or eligible party shall have only one chief agent and one auditor at a time.

#### Minimum number of members

**380.1** A registered party and an eligible party shall have at least 250 members who are electors.

2004, c. 24, s. 10.

#### Prohibition — officer

**381.** (1) No person who is not eligible to be an officer of a registered party or an eligible party shall so act.

#### Prohibition — agent

(1.1) No person who is not eligible to be a chief agent or registered agent of a registered party or an eligible party shall so act.

#### Prohibition — auditor

(2) No person who is not eligible to be an auditor of a registered party or an eligible party shall so act.

2000, c. 9, s. 381; 2004, c. 24, s. 11.

#### Prohibition — fundamental purpose

**381.1** (1) Subject to subsection (2), no person shall act or continue to act as an officer of a registered party or an eligible party if

(a) they know that the party does not have as one of its fundamental purposes participating in public affairs by endorsing one or more of its members as candidates and supporting their election; and

(b) the party has not made an application under section 388.

#### Exception

(2) A person referred to in subsection (1) may sign an application under section 388.

2004, c. 24, s. 12.

### *Change of Information Concerning Parties*

#### Change in information

**382.** (1) Within 30 days after a change in the information on a registered party or an eligible party in the registry of parties, the party shall, in writing, report the change to the Chief Electoral Officer. The report must be certified by the leader of the party.

#### New name, abbreviation or logo

(2) A report of a change in the information referred to in paragraphs 366(2)(a) to (c) must include a copy of the resolution of the party to make the change. If the changed information complies with subparagraph 368(a)(i) or (ii), the change is deemed to be effective as of

(a) the day after polling day, in the case of a report made during an election period; and

(b) the day on which the report was made, in any other case.

#### New leader

(3) A report of a change of leader for a party must include a copy of the resolution of the party to appoint the new leader, certified by the new leader and another officer of the party.

#### New officer, chief agent or auditor

(4) A report under subsection (1) that involves the replacement of an officer, the chief agent or the auditor must include a copy of the consent referred to in section 378.

#### Registration of change

(5) The Chief Electoral Officer shall enter any change in the information referred to in this section in the registry of parties.

#### Entry in registry of electoral district associations

(6) The Chief Electoral Officer shall enter any change in the information referred to in subsection (2) in the registry of electoral district associations.

2000, c. 9, s. 382; 2003, c. 19, s. 12; 2004, c. 24, s. 14.

#### Confirmation of information at general election

**383.** (1) A registered party and an eligible party shall, not later than 10 days after the issue of the writs for a



general election, provide the Chief Electoral Officer with

(a) a statement certified by its leader confirming the validity of the information on the party in the registry of parties; or

(b) if there is a change in that information, the report referred to in subsection 382(1).

#### Endorsement of candidates

(2) A registered party and an eligible party, whose leader designates representatives to endorse candidates at a general election, shall include with the statement or report referred to in subsection (1) a statement certified by its leader that sets out the names of the designated representatives.

#### Confirmation of registration yearly

**384.** (1) On or before June 30 of every year, a registered party and an eligible party shall provide the Chief Electoral Officer with

(a) a statement certified by its leader confirming the validity of the information on that party in the registry of parties; or

(b) if there is a change in that information, the report made under subsection 382(1) on the change.

#### Confirmation of members

(2) On or before June 30 of every third year, beginning in 2007, a registered party and an eligible party shall provide the Chief Electoral Officer with the names and addresses of 250 electors and their declarations in the prescribed form that they are members of the party.

#### Declaration of leader

(3) On or before June 30 of every year, a registered party and an eligible party shall provide the Chief Electoral Officer with a declaration in the prescribed form by the leader that, having considered all of the factors relevant to determining the party's purposes — including those described in subsection 521.1(5) — one of the party's fundamental purposes is as described in paragraph 366(2)(j).

2000, c. 9, s. 384; 2004, c. 24, s. 15.

#### Prohibition — false or misleading information (leader)

**384.1** (1) No leader of a party shall provide the Chief Electoral Officer with information under section 366 that they know is false or misleading.

#### Prohibition — false or misleading information (party)

(2) No registered party or eligible party shall provide the Chief Electoral Officer with information under any of sections 382 to 384 that it knows is false or misleading.

#### Prohibition — certification by leader

(3) No leader of a party shall certify, under any of sections 382 to 384, a report or statement that they know contains false or misleading information.

#### Prohibition — leader's declaration

(4) No leader of a party shall make a declaration referred to in section 366, 382 or 384 that they know is false or misleading.

#### Prohibition — member's declaration

(5) No member of a party shall make a declaration referred to in section 366 or 384 that they know is false or misleading.

2004, c. 24, s. 16.

## *Deregistration of Registered Parties*

### Deregistration — no candidates

**385.** The Chief Electoral Officer shall, effective on the expiration in a general election of the period for the confirmation of nominations under subsection 71(1), deregister a registered party that, at that time, has not endorsed a candidate in that general election.

2000, c. 9, s. 385; 2003, c. 19, s. 13; 2004, c. 24, s. 16.

### Deregistration — officers or members

**385.1** (1) If the Chief Electoral Officer is not satisfied that a registered party is in compliance with subsection 374.1(1) or section 380.1, he or she shall, in writing, notify the party that it is required to show its compliance with

(a) subsection 374.1(1), within 60 days after receipt of the notice; or

(b) section 380.1, within 90 days after receipt of the notice.

### Extension

(2) If the Chief Electoral Officer is satisfied that the party has made reasonable efforts to comply with subsection 374.1(1) or section 380.1 within the time set out in the notice, he or she may, in writing, notify the party that it has another period of up to 60 or 90 days, as the case may be, in which to comply.

### Deregistration

(3) The Chief Electoral Officer shall deregister a registered party if it fails to comply with a notice under subsection (1) or (2), as the case may be.

2004, c. 24, s. 16.

### Notice of deregistration

**385.2** The Chief Electoral Officer shall give notice of a deregistration under section 385 or 385.1 to the registered party and its chief agent and of the resulting deregistration under section 389.2 to the registered associations and their financial agents.

2004, c. 24, s. 16.

### Deregistration — failure to provide documents

**386.** The Chief Electoral Officer may deregister a registered party if the party fails to provide

(a) confirmation under subsection 383(1) or section 384 of the validity of the registered information;

(b) a report in accordance with subsection 382(2) on a change in the registered information on its name, short-form name, abbreviation or logo mentioned in paragraphs 366(2)(a) to (c);

(c) either of the documents referred to in subsections 382(1) and (3) with respect to a change of its leader;

(d) any of the documents referred to in subsection 379(2) or 382(1) or (4) with respect to a replacement of its auditor or chief agent;

(e) a report under subsection 375(3) on the appointment of a registered agent;

- (f) a report under subsection 382(1) on a change in any other registered information;
- (g) any of the documents referred to in paragraphs 372(a) to (c);
- (h) a statement required by subsection 435.04(1) or (2); or
- (i) a report that it is required by subsection 478.02(1) to provide.

2000, c. 9, s. 386; 2003, c. 19, s. 14.

#### Deregistration — failure to file return and auditor's report

**387.** The Chief Electoral Officer may deregister a registered party if its chief agent fails to provide the Chief Electoral Officer

- (a) for a fiscal year, with a document in accordance with subsection 424(1); or
- (b) for a general election, with a document in accordance with subsection 429(1).

2000, c. 9, s. 387; 2003, c. 19, s. 15.

#### Voluntary deregistration

**388.** On application, other than during the election period of a general election, by a registered party to become deregistered, signed by the leader and any two officers of the party, the Chief Electoral Officer may deregister the party.

2000, c. 9, s. 388; 2003, c. 19, s. 16.

#### Procedure for non-voluntary deregistration

**389.** (1) If the Chief Electoral Officer believes on reasonable grounds that a registered party, its leader, its chief agent or one of its other officers has omitted to do anything referred to in section 386 or 387, the Chief Electoral Officer shall, in writing, notify the party and any of its officers who are named in the registry of parties that the party or officer must

- (a) rectify the omission by the discharge of those obligations under section 386 or 387,
  - (i) within 5 days after receipt of the notice, in the case of a failure to comply with subsection 383(1), or
  - (ii) within 30 days after receipt of the notice, in any other case; or
- (b) satisfy the Chief Electoral Officer that the omission was not the result of negligence or a lack of good faith.

#### Extension or exemption

(2) If paragraph (1)(b) applies, the Chief Electoral Officer may amend the notice by

- (a) exempting, in whole or in part, the recipients of the notice from complying with the obligations referred to in section 386 or 387; or
- (b) specifying a period for compliance with the requirements referred to in subparagraph (1)(a)(i) or (ii), as the case may be.

#### Deregistration

(3) The Chief Electoral Officer may deregister a registered party if its leader, its chief agent or one of its officers fails to comply with a notice referred to in subsection (1), or amended notice under subsection (2).

2000, c. 9, s. 389; 2003, c. 19, s. 17.

#### Notice of deregistration

**389.1** (1) If the Chief Electoral Officer proposes to deregister a registered party under section 388 or subsection 389(3), the Chief Electoral Officer shall so notify the party and its registered associations.

#### Date of deregistration

(2) The notice under subsection (1) shall specify the effective date of the deregistration, which shall be at least 15 days after the date of the sending of the notice.

#### Proof of service of notice

(3) The notice under subsection (1) shall be sent by registered mail or by a method of courier service that provides proof of mailing, a record while in transit and a record of delivery.

2003, c. 19, s. 18.

#### Effect of deregistration of registered party

**389.2** If a registered party is deregistered, its registered associations are also deregistered.

2003, c. 19, s. 18.

#### Notice of deregistration

**390.** (1) The Chief Electoral Officer shall without delay cause a notice of the deregistration of a registered party and of its registered associations to be published in the *Canada Gazette*.

#### Entry of deregistration in registry of parties

(2) The Chief Electoral Officer shall indicate the deregistration of the party in the registry of parties.

2000, c. 9, s. 390; 2003, c. 19, s. 19.

#### Continuation of registered status for limited purpose

**391.** A political party that is deregistered continues to have the obligations of a registered party for the application of section 392.

2000, c. 9, s. 391; 2003, c. 19, s. 19.

#### Fiscal period and returns

**392.** The chief agent of a deregistered political party shall, within six months after the day of its deregistration, provide the Chief Electoral Officer with

(a) the documents referred to in subsection 424(1) for

(i) the portion of its current fiscal period ending on the day of its deregistration, and

(ii) any earlier fiscal period for which those documents have not already been provided under that subsection; and

(b) the documents referred to in subsection 429(1), for any general election for which those documents have not already been provided under that subsection.

2000, c. 9, s. 392; 2003, c. 19, s. 20.

- 393.** [Repealed, 2003, c. 19, s. 21]
- 394.** [Repealed, 2003, c. 19, s. 21]
- 395.** [Repealed, 2003, c. 19, s. 21]
- 396.** [Repealed, 2003, c. 19, s. 21]
- 397.** [Repealed, 2003, c. 19, s. 21]
- 398.** [Repealed, 2003, c. 19, s. 21]
- 399.** [Repealed, 2003, c. 19, s. 21]

## *Merger of Registered Parties*

### Merger application

**400.** (1) Two or more registered parties may, at any time other than during the period beginning 30 days before the issue of a writ for an election and ending on polling day, apply to the Chief Electoral Officer to become a single registered party resulting from their merger.

### Contents

- (2) An application to merge two or more registered parties must
- (a) be certified by the leaders of the merging parties;
  - (b) be accompanied by a resolution from each of the merging parties approving the proposed merger; and
  - (c) contain the information required from a party to be registered, except for the information referred to in paragraph 366(2)(i).

### Registration for eligible merged parties

**401.** (1) The Chief Electoral Officer shall amend the registry of parties by replacing the names of the merging parties with the name of the merged party if

- (a) the application for the merger was not made in the period referred to in subsection 400(1); and
- (b) the Chief Electoral Officer is satisfied that
  - (i) the merged party is eligible for registration as a political party under this Act, and
  - (ii) the merging parties have discharged their obligations under this Act, including their obligations to report on their financial transactions and their election expenses and to maintain valid and up-to-date information concerning their registration.

### Notice

(2) The Chief Electoral Officer shall notify the officers of the merging parties in writing whether the registry of parties is to be amended under subsection (1).

### Notice in *Canada Gazette*

(3) If the Chief Electoral Officer amends the registry of parties, he or she shall cause to be published in the *Canada Gazette* a notice that the names of the merging parties have been replaced in the registry with the name of the merged party.

### Effective date of merger

**402.** (1) A merger of registered parties takes effect on the day on which the Chief Electoral Officer amends the registry of parties under subsection 401(1).

### Consequences of merger

(2) On the merger of two or more registered parties,

- (a) the merged party is the successor of each merging party;
- (b) the merged party becomes a registered party;
- (c) the assets of each merging party belong to the merged party;
- (d) the merged party is responsible for the liabilities of each merging party;
- (e) the merged party is responsible for the obligations of each merging party to report on its financial transactions and election expenses for any period before the merger took effect;
- (f) the merged party replaces a merging party in any proceedings, whether civil, penal or administrative, by or against the merging party; and
- (g) any decision of a judicial or quasi-judicial nature involving a merging party may be enforced by or against the merged party.

### Effect of merger on registered associations

(3) On the merger of registered parties, any registered association of a merging party is deregistered and, despite paragraph 403.01(c), may transfer goods or funds to the merged party or a registered association of the merged party in the six months immediately after the merger. Any such transfer is not a contribution for the purposes of this Act.

2000, c. 9, s. 402; 2003, c. 19, s. 22.

### Returns

**403.** Within six months after a merger

(a) each of the merging parties shall provide the Chief Electoral Officer with the documents referred to in subsection 424(1) for

- (i) the portion of its current fiscal period that ends on the day before the day on which the merger takes effect, and
- (ii) any earlier fiscal period for which those documents have not been provided; and

(b) the merged party shall provide the Chief Electoral Officer with

- (i) a statement, prepared in accordance with generally accepted accounting principles, of its assets and liabilities, including any surplus or deficit, at the date of the merger,
- (ii) an auditor's report, submitted to the chief agent of the merged party, as to whether the statement presents fairly and in accordance with generally accepted accounting principles the information on which it was based, and
- (iii) a declaration in the prescribed form by the chief agent of the merged party concerning the statement.

2000, c. 9, s. 403; 2001, c. 21, s. 21.

## Division 1.1

# Registration of Electoral District Associations and Financial Administration of Registered Associations

## *Registration of Electoral District Associations*

### Duty to register

**403.01** No electoral district association of a registered party shall, unless it is registered,

- (a) accept contributions;
- (b) provide goods or services or transfer funds to a candidate endorsed by a registered party;
- (c) provide goods or services or transfer funds to a registered party or a registered association; or
- (d) accept surplus electoral funds of a candidate, surplus leadership campaign funds of a leadership contestant or surplus nomination campaign funds of a nomination contestant.

2003, c. 19, s. 23.

### Contents of application

**403.02** (1) An application for registration of an electoral district association of a registered party may be submitted to the Chief Electoral Officer by the association, and must include

- (a) the full name of the association and of the electoral district;
- (b) the full name of the registered party;
- (c) the address of the office of the association at which records are maintained and to which communications may be addressed;
- (d) the names and addresses of the chief executive officer and other officers of the association;
- (e) the name and address of the appointed auditor of the association; and
- (f) the name and address of the financial agent of the association.

### Accompanying documents

(2) The application must be accompanied by

- (a) the signed consent of the financial agent to so act;
- (b) the signed consent of the auditor to so act; and
- (c) a declaration signed by the leader of the party certifying that the electoral district association is an electoral district association of the party.

### Examination of application

(3) The Chief Electoral Officer shall register an electoral district association that meets the requirements of subsections (1) and (2). In the case of a refusal to register, the Chief Electoral Officer shall indicate which of those requirements have not been met.

### Date of registration

(4) An electoral district association is registered as of the date on which the Chief Electoral Officer enters it in the

registry of electoral district associations.

2003, c. 19, s. 23.

#### Only one registered association per district

**403.03** A registered party may not have more than one registered association in an electoral district.

2003, c. 19, s. 23.

#### Election period — contributions and expenses

**403.04** No electoral district association of a registered party shall, during an election period, incur expenses for election advertising, as defined in section 319.

2003, c. 19, s. 23.

#### Statement of assets and liabilities

**403.05** Within six months after becoming a registered association, the association shall provide the Chief Electoral Officer with

(a) a statement, prepared in accordance with generally accepted accounting principles, of its assets and liabilities, including any surplus or deficit, as of the day before the effective date of the registration; and

(b) a declaration in the prescribed form by the financial agent of the registered association that the statement is complete and accurate.

2003, c. 19, s. 23.

#### Prohibition — declaration concerning statement

**403.051** No financial agent of a registered association shall make a declaration referred to in paragraph 403.05(b) if the agent knows or ought reasonably to have known that the statement referred to in paragraph 403.05(a) is not complete and accurate.

2003, c. 19, s. 23.

#### Annual fiscal period

**403.06** The fiscal period of a registered association is the calendar year.

2003, c. 19, s. 23.

#### Adjustment of fiscal period for newly registered associations

**403.07** Without delay after becoming registered, a registered association shall, if necessary, vary its fiscal period so that it ends at the end of the calendar year. The then current fiscal period may not be less than 6 months or more than 18 months.

2003, c. 19, s. 23.

#### Registry of electoral district associations

**403.08** The Chief Electoral Officer shall maintain a registry of electoral district associations that contains the information referred to in subsection 403.02(1).

2003, c. 19, s. 23.



## Appointments

**403.09** (1) A registered association may, subject to any terms and conditions that it specifies, appoint, as electoral district agents, persons who are authorized by the association to accept contributions and to incur and pay expenses on behalf of the association.

## Report of appointment

(2) Within 30 days after the appointment of an electoral district agent, the registered association shall provide the Chief Electoral Officer with a written report, certified by its financial agent, that includes the name and address of the person appointed and any terms and conditions to which the appointment is subject. The Chief Electoral Officer shall enter that information in the registry of electoral district associations.

2003, c. 19, s. 23.

## Agents — corporations

**403.1** (1) A corporation incorporated under the laws of Canada or a province is eligible to be the financial agent or an electoral district agent of a registered association.

## Agents — ineligible persons

(2) The following persons are not eligible to be a financial agent or an electoral district agent:

- (a) an election officer or a member of the staff of a returning officer;
- (b) a candidate;
- (c) an auditor appointed as required by this Act;
- (d) subject to subsection (1), a person who is not an elector;
- (e) an undischarged bankrupt; and
- (f) a person who does not have the capacity to enter into contracts in the province in which the person ordinarily resides.

## Where member of partnership appointed as agent

(3) A person may be appointed as agent for a registered association notwithstanding that the person is a member of a partnership that has been appointed as an auditor, in accordance with this Act for the registered party.

2003, c. 19, s. 23.

## Auditor — eligibility

**403.11** (1) Only the following are eligible to be an auditor for a registered association:

- (a) a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or
- (b) a partnership of which every partner is a member in good standing of a corporation, an association or an institute of professional accountants.

## Auditor — ineligible persons

(2) The following persons are not eligible to be an auditor for a registered association:

- (a) election officers and members of the staff of returning officers;

- (b) chief agents of registered parties or eligible parties and registered agents of registered parties;
- (c) candidates and official agents of candidates;
- (d) electoral district agents of registered associations;
- (e) leadership contestants and their leadership campaign agents;
- (f) nomination contestants and their financial agents; and
- (g) financial agents of registered third parties.

2003, c. 19, s. 23.

#### Consent

**403.12** A registered association shall obtain from the financial agent or auditor, on appointment, their signed consent to so act.

2003, c. 19, s. 23.

#### Death, incapacity, resignation or revocation

**403.13** In the event of the death, incapacity, resignation or revocation of the appointment of its financial agent or auditor, a registered association shall without delay appoint a replacement.

2003, c. 19, s. 23.

#### Only one financial agent and auditor

**403.14** A registered association shall have no more than one financial agent and one auditor at a time.

2003, c. 19, s. 23.

#### Prohibition — agents

**403.15** (1) No person who is not eligible to be a financial agent or an electoral district agent of a registered association shall so act.

#### Prohibition — auditor

(2) No person who is not eligible to be an auditor of a registered association shall so act.

2003, c. 19, s. 23.

#### New auditor or financial agent

**403.16** (1) Within 30 days after a change in the information referred to in subsection 403.02(1) other than paragraph 403.02(1)(b), a registered association shall report the change in writing to the Chief Electoral Officer. The report must be certified by the chief executive officer of the association.

#### New auditor or financial agent

(2) A report under subsection (1) that involves the replacement of the auditor or financial agent of the registered association must include a copy of the signed consent obtained under section 403.12.

#### Registration of change

(3) The Chief Electoral Officer shall enter any change in the information referred to in this section in the registry of

electoral district associations.

2003, c. 19, s. 23.

#### Confirmation of registration yearly

**403.17** On or before May 31 of every year, unless an election campaign is in process in that electoral district on that date, in which case the date shall be July 31, a registered association shall provide the Chief Electoral Officer with

(a) a statement certified by its chief executive officer confirming the validity of the information concerning that association in the registry of electoral district associations; or

(b) if there is a change in that information, the report made under subsection 403.16(1) of the change.

2003, c. 19, s. 23.

### *Deregistration of Registered Associations*

#### Deregistration — failure to provide documents

**403.18** The Chief Electoral Officer may deregister a registered association if the association fails to provide

(a) confirmation under section 403.17 of the validity of the registered information;

(b) any of the documents referred to in subsection 403.16(1) or (2) with respect to a replacement of its auditor or financial agent;

(c) a report under subsection 403.09(2) concerning the appointment of an electoral district agent;

(d) a report under subsection 403.16(1) of a change in any other registered information;

(e) any of the documents referred to in section 403.05; or

(f) a report that is required to be filed under subsection 478.02(1).

2003, c. 19, s. 23.

#### Deregistration — failure to file return

**403.19** The Chief Electoral Officer may deregister a registered association if its financial agent fails to provide the Chief Electoral Officer with a document for a fiscal year in accordance with subsection 403.35(1).

2003, c. 19, s. 23.

#### Voluntary deregistration

**403.2** (1) On application by a registered association to become deregistered, signed by its chief executive officer and the financial agent, the Chief Electoral Officer may deregister the association.

#### Deregistration at the request of the party

(2) On application by a registered party, signed by its leader and two of its officers, to deregister one of its registered associations, the Chief Electoral Officer shall deregister the association.

#### Exception

(3) Subsections (1) and (2) do not apply during an election period in the electoral district of the registered association.

2003, c. 19, s. 23.

#### Procedure for non-voluntary deregistration

**403.21** (1) If the Chief Electoral Officer believes on reasonable grounds that a registered association or its financial agent has omitted to perform any obligation referred to in section 403.18 or 403.19, the Chief Electoral Officer shall, in writing, notify the chief executive officer and the financial agent of the association that the association or financial agent must

- (a) rectify the omission by the discharge of those obligations within 30 days after receipt of the notice; or
- (b) satisfy the Chief Electoral Officer that the omission was not the result of negligence or a lack of good faith.

#### Extension or exemption

(2) If paragraph (1)(b) applies, the Chief Electoral Officer may amend the notice by

- (a) exempting, in whole or in part, the recipients of the notice from complying with the obligations referred to in section 403.18 or 403.19; or
- (b) specifying a period for compliance with the obligations referred to in paragraph (1)(a).

#### Copy of notice

(3) A copy of any notice or amendment under subsection (1) or (2) shall be sent to the leader and the chief agent of the registered party with which the registered association is affiliated.

#### Deregistration

(4) The Chief Electoral Officer may deregister a registered association if the association or its financial agent fails to comply with a notice referred to in subsection (1) or with an amended notice under subsection (2).

2003, c. 19, s. 23.

#### *Electoral Boundaries Readjustment Act*

**403.22** (1) If the boundaries of an electoral district are revised as a result of a representation order under section 25 of the *Electoral Boundaries Readjustment Act*, a registered association for the electoral district may, before the day on which the representation order comes into force under subsection 25(1) of that Act, file with the Chief Electoral Officer a notice that it will be continued as the registered association for a particular electoral district described in the representation order. The notice must be accompanied by a consent signed by the leader of the registered party with which it is affiliated.

#### Effect of continuation

(2) If a notice has been filed under subsection (1), on the coming into force of the representation order, the registered association is continued as the registered association for the electoral district specified in the notice and assumes all the rights and obligations of the association for the former electoral district.

#### Deregistration

(3) Any registered association in an electoral district whose boundaries are revised as a result of a representation order under section 25 of the *Electoral Boundaries Readjustment Act* that does not give a notice under subsection (1) is deregistered on the day on which the representation order comes into force under subsection 25(1) of that Act and, despite paragraph 403.01(c), may transfer goods or funds to the registered party with which it is affiliated or to any of its registered associations in the six months after that day. Any such transfer is not a contribution for the purposes of this Act.

#### Pre-registration

(4) As soon as a proclamation is issued under section 25 of the *Electoral Boundaries Readjustment Act* relating to

a representation order, an application may be made under section 403.02 for the registration of an electoral district association for an electoral district that is created by — or whose boundaries are revised as a result of — the order. Any resulting registration does not take effect before the order comes into force.

#### Applicant deemed to be electoral district association

(5) The applicant in an application referred to in subsection (4) is deemed to be an electoral district association as of the date on which the application is received by the Chief Electoral Officer.

2003, c. 19, s. 23.

#### Notice of deregistration

**403.23** (1) If the Chief Electoral Officer deregisters a registered association under section 403.2 or subsection 403.21(4), the Chief Electoral Officer shall so notify in writing by registered mail or by a method of courier service that provides proof of mailing, a record while in transit and a record of delivery, the association and the registered party with which it is affiliated.

#### Date of deregistration

(2) The notice under subsection (1) shall specify the effective date of the deregistration, which shall be at least 15 days after the day on which the notice is sent.

2003, c. 19, s. 23.

#### Publication

**403.24** (1) If a registered association is deregistered for any reason other than the deregistration of the political party with which it is affiliated, the Chief Electoral Officer shall without delay cause a notice of deregistration to be published in the *Canada Gazette*.

#### Entry of deregistration in registry of electoral district associations

(2) The Chief Electoral Officer shall indicate any deregistration of a registered association in the registry of electoral district associations.

2003, c. 19, s. 23.

#### Effect of deregistration

**403.25** A deregistered electoral district association continues to have the obligations of a registered association for the application of section 403.26.

2003, c. 19, s. 23.

#### Fiscal period and returns

**403.26** The financial agent of a deregistered electoral district association shall, within six months after the day of its deregistration, provide the Chief Electoral Officer with the documents referred to in subsection 403.35(1) for

(a) the portion of its current fiscal period ending on the day of its deregistration; and

(b) any earlier fiscal period for which those documents have not already been provided under that subsection.

2003, c. 19, s. 23.

## *Financial Administration of Registered Associations*

### General

### Duty of financial agent

**403.27** The financial agent of a registered association is responsible for administering its financial transactions and for reporting on them, in accordance with the provisions of this Act.

2003, c. 19, s. 23.

### Prohibition — paying expenses

**403.28** (1) No person or entity, other than an electoral district agent of a registered association, shall pay the registered association's expenses.

### Prohibition — incurring expenses

(2) No person or entity, other than an electoral district agent of a registered association, shall incur the registered association's expenses.

### Prohibition — accepting contributions

(3) No person, other than an electoral district agent of a registered association shall accept contributions to the registered association.

### Prohibition — transfers

(4) No person, other than the financial agent of a registered association, shall accept or make transfers of goods or funds on behalf of the association.

2003, c. 19, s. 23.

## Processing of Expense Claims

### Three months to send expense claims

**403.29** (1) A person with a claim to be paid for an expense of a registered association shall, within three months after the expense was incurred, send the invoice or other document evidencing the claim to the registered association or one of its electoral district agents.

### Bar to recovery

(2) A claimant is barred from recovery of a claim that is sent after the three-month period.

### Deceased claimant

(3) If a claimant dies before the end of the three-month period, a new three-month period begins, for the purposes of subsection (1), on the day on which the claimant's legal representative becomes entitled to act for the claimant.

2003, c. 19, s. 23.

### Payment within six months

**403.3** A claim that has been sent in accordance with section 403.29 must be paid within six months after payment of it is due.

2003, c. 19, s. 23.

### Irregular claims or payments — Chief Electoral Officer

**403.31** (1) On the written application of a claimant with a claim to be paid for an expense of a registered association or of an electoral district agent, the Chief Electoral Officer may, on being satisfied that there are reasonable grounds for so doing, in writing authorize the electoral district agent of the registered association to

pay the amount claimed if

- (a) the claim was not sent in accordance with subsection 403.29(1); or
- (b) the payment was not made in accordance with section 403.3.

#### Terms and conditions

(2) The Chief Electoral Officer may fix any term or condition that he or she considers appropriate on a payment authorized under subsection (1).

2003, c. 19, s. 23.

#### Irregular claims or payments — judge

**403.32** On the application of a person who has a claim to be paid for an expense of a registered association or of an electoral district agent of the association, a judge who is competent to conduct a recount, on being satisfied that there are reasonable grounds for so doing, may by order authorize the electoral district agent to pay the amount claimed if

- (a) the applicant establishes that an authorization under subsection 403.31(1) has been refused and that the claim was sent after the three-month period referred to in subsection 403.29(1) or the payment has not been made in the six-month period referred to in section 403.3; or
- (b) the amount claimed has not been paid in accordance with an authorization obtained from the Chief Electoral Officer under subsection 403.31(1) and the applicant establishes that he or she was unable to comply with that authorization for reasons beyond his or her control.

2003, c. 19, s. 23.

#### Proceeding to recover claimed payments

**403.33** (1) A person who has sent a claim in accordance with section 403.29 may commence proceedings in a court of competent jurisdiction to recover any unpaid amount

- (a) at any time, if the electoral district agent refuses to pay that amount or disputes that it is payable; or
- (b) after the end of the period referred to in section 403.3 or any extension of that period authorized by subsection 403.31(1) or section 403.32, in any other case.

#### Payment deemed properly made

(2) An amount paid by an electoral district agent of a registered association as a result of proceedings referred to in subsection (1) is deemed to have been paid in accordance with this Act.

2003, c. 19, s. 23.

#### Deemed contributions

**403.34** (1) An unpaid claim mentioned in a return referred to in subsection 403.35(1) that, on the day that is 18 months after the end of the fiscal period to which the return relates, remains unpaid, in whole or in part, is deemed to be a contribution of the unpaid amount to the registered association made as of the day on which the expense was incurred.

#### When no deemed contribution

- (2) Subsection (1) does not apply to an unpaid claim that, on the day referred to in that subsection,
- (a) is the subject of a binding agreement to pay;

(b) is the subject of a legal proceeding to secure its payment;

(c) is the subject of a dispute as to the amount the association was liable to pay or the amount that remains unpaid; or

(d) has been written off by the creditor as an uncollectable debt in accordance with the creditor's normal accounting practices.

#### Notice by association

(3) The financial agent of a registered association who believes that any of paragraphs (2)(a) to (d) applies to a liability to pay an amount shall so notify the Chief Electoral Officer before the day referred to in subsection (1).

#### Publication of deemed contributions

(4) As soon as practicable after the day referred to in subsection (1), the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish the list of claims that are deemed under subsection (1) to be contributions.

2003, c. 19, s. 23.

## Financial Reporting

#### Return on financial transactions

**403.35** (1) The financial agent of a registered association shall, for each fiscal period of the association, provide to the Chief Electoral Officer

(a) a financial transactions return, substantially in the prescribed form, on the association's financial transactions;

(b) the auditor's report on the financial transactions return, if one is required under subsection 403.37(1); and

(c) a declaration in the prescribed form by the financial agent that the financial transactions return is complete and accurate.

(d) [Repealed, 2006, c. 9, s. 41]

#### Contents of return

(2) A financial transactions return must set out

(a) a statement of contributions received by the registered association;

(b) the number of contributors;

(b.1) [Repealed, 2006, c. 9, s. 41]

(c) the name and address of each contributor who made contributions of a total amount of more than \$200 to the registered association, that total amount, as well as the amount of each such contribution and the date on which it was received by the association;

(d) [Repealed, 2006, c. 9, s. 41]

(e) a statement of the registered association's assets and liabilities and any surplus or deficit in accordance with generally accepted accounting principles, including a statement of

(i) disputed claims under section 403.33, and

(ii) unpaid claims that are, or may be, the subject of an application referred to in subsection 403.31(1) or



section 403.32;

(f) a statement of the registered association's revenues and expenses in accordance with generally accepted accounting principles;

(g) a statement of the commercial value of goods or services provided and of funds transferred by the registered association to the registered party, to another registered association or to a candidate endorsed by the registered party;

(h) a statement of the commercial value of goods or services provided and of funds transferred to the registered association from the registered party, another registered association, a candidate, a leadership contestant or a nomination contestant;

(i) a statement of loans or security received by the registered association, including any conditions on them;

(i.1) a statement that provides full disclosure of financial loans for the purposes of the campaign, including interest rates, repayment schedules and the name of the lender; and

(j) a statement of contributions received by the registered association but returned in whole or in part to the contributors or otherwise dealt with in accordance with this Act.

### Loans

(3) For the purpose of subsection (2), other than paragraph (2)(j), a contribution includes a loan.

### Period for providing documents

(4) The financial agent of a registered association shall provide the documents referred to in subsection (1) within five months after the end of the fiscal period.

2003, c. 19, s. 23; 2006, c. 9, s. 41.

### When contributions forwarded to Receiver General

**403.36** The financial agent of a registered association shall, without delay, pay an amount of money equal to the value of a contribution received by the association to the Chief Electoral Officer, who shall forward it to the Receiver General, if the name of the contributor of a contribution of more than \$20, or the name or the address of the contributor having made contributions of a total amount of more than \$200, is not known.

2003, c. 19, s. 23; 2006, c. 9, s. 42.

### Auditor's report

**403.37** (1) The auditor of a registered association that has, in a fiscal period, accepted contributions of \$5,000 or more in total or incurred expenses of \$5,000 or more in total shall report to the association's financial agent on the financial transactions return of the association and shall, in accordance with generally accepted auditing standards, make any examination that will enable the auditor to give an opinion in the report as to whether it presents fairly the information contained in the financial records on which it is based.

### Statement

(2) The auditor shall include in the report under subsection (1) any statement the auditor considers necessary if

(a) the financial transactions return that is the subject of the report does not present fairly the information contained in the financial records on which it is based; or

(b) based on the examination, it appears that proper accounting records have not been kept by the registered association.

### Right of access

(3) The auditor shall have access at any reasonable time to all documents of the association and may require the financial agent and electoral district agents of the association to provide any information or explanation that, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

2003, c. 19, s. 23.

#### Prohibition — financial reports

**403.38** No financial agent of a registered association shall provide the Chief Electoral Officer with a financial transactions return that

(a) the financial agent knows or ought reasonably to know contains a materially false or misleading statement; or

(b) does not substantially set out the information required by subsection 403.35(2).

2003, c. 19, s. 23.

### Payment of Audit Expenses

#### Certificate — audit expenses

**403.39** (1) On receipt of the documents referred to in subsection 403.35(1) and a copy of the auditor's invoice, the Chief Electoral Officer shall provide the Receiver General with a certificate that sets out the amount, up to a maximum of \$1,500, of the expenses incurred for the audit made under subsection 403.37(1).

#### Payment

(2) On receipt of the certificate, the Receiver General shall pay the amount set out in it to the auditor out of the Consolidated Revenue Fund.

2003, c. 19, s. 23.

### Corrections and Extended Reporting Periods

#### Minor corrections — Chief Electoral Officer

**403.4** (1) The Chief Electoral Officer may correct a document referred to in subsection 403.35(1) if the correction does not materially affect its substance.

#### Corrections at request of Chief Electoral Officer

(2) The Chief Electoral Officer may in writing request a registered association to correct, within a specified period, a document referred to in subsection 403.35(1).

2003, c. 19, s. 23.

#### Extension or correction — Chief Electoral Officer

**403.41** (1) The Chief Electoral Officer, on the written application of the financial agent of a registered association or, if the financial agent is absent or incapacitated, the chief executive officer of the association, may authorize

(a) the extension of a period provided in subsection 403.35(4); or

(b) the correction, within a specified period, of a document referred to in subsection 403.35(1).

#### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the period provided in subsection 403.35(4); and

(b) under paragraph (1)(b), as soon as the applicant becomes aware of the need for correction.

### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the applicant that the circumstances giving rise to the application arose by reason of

(a) the absence, death, illness or misconduct of the financial agent or a predecessor;

(b) the absence, death, illness or misconduct of a clerk or an officer of the financial agent, or a predecessor of one of them; or

(c) inadvertence or an honest mistake of fact.

2003, c. 19, s. 23.

### Extension or correction — judge

**403.42** (1) The financial agent of a registered association or, if the financial agent is absent or incapacitated, the chief executive officer of the association, may apply to a judge who is competent to conduct a recount for an order

(a) relieving the association from complying with a request referred to in subsection 403.4(2); or

(b) authorizing an extension referred to in paragraph 403.41(1)(a) or correction referred to in paragraph 403.41(1)(b).

The applicant shall notify the Chief Electoral Officer of the application.

### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the specified period referred to in subsection 403.4(2) or within the two weeks after the expiration of that period; or

(b) under paragraph (1)(b), within two weeks after, as the case may be,

(i) the rejection of an application, made in accordance with section 403.41, for the extension or correction, or

(ii) the expiration of the extended period or specified period authorized under paragraph 403.41(1)(a) or (b).

### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of one of the factors referred to in subsection 403.41(3).

### Contents of order

(4) An order may require that the applicant satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

### Date of authorization

(5) For the purposes of this Act, an extension or correction referred to in subsection (1) is authorized on the date of the order or, if the order specifies that conditions are to be met, the date as of which the applicant has met them.

## DIVISION 2

### GENERAL FINANCIAL PROVISIONS

#### *Contributions*

##### Ineligible contributors

**404.** (1) No person or entity other than an individual who is a citizen or permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* shall make a contribution to a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant.

##### Return of contributions

(2) If a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant receives a contribution from an ineligible contributor, the chief agent of the registered party, the financial agent of the registered association, the official agent of the candidate or the financial agent of the leadership contestant or nomination contestant, as the case may be, shall, within 30 days after becoming aware of the ineligibility, return the contribution unused to the contributor or, if that is not possible, pay the amount of it or, in the case of a non-monetary contribution, an amount of money equal to its commercial value, to the Chief Electoral Officer who shall forward that amount to the Receiver General.

##### Provincial divisions

(3) For greater certainty, contributions to and expenses of a provincial division of a registered party are contributions to and expenses of the party. Similarly, transfers to or by the division are transfers to or by the party.

##### Registered agents

(4) A provincial division of a registered party may, subject to any terms and conditions that it specifies, appoint registered agents. This Act applies to those agents as if they were registered agents appointed by the party under subsection 375(1).

2000, c. 9, s. 404; 2001, c. 27, s. 214; 2003, c. 19, s. 24.

**404.1** [Repealed, 2006, c. 9, s. 43]

##### Contributions — inclusions and exclusions

**404.2** (1) Any money that is used for a candidate's, leadership contestant's or nomination contestant's campaign out of the candidate's or contestant's own funds is considered to be a contribution for the purposes of this Act.

##### Exclusion for goods and services — registered parties, registered associations and candidates

- (2) A provision of goods or services is permitted and is not a contribution for the purposes of this Act if it is
- (a) from a registered party to an electoral district association of the party or a candidate endorsed by the party;
  - (b) from a registered association to the party with which it is affiliated, another registered association of the party or a candidate endorsed by the party;
  - (c) from a candidate endorsed by a registered party to the party or a registered association of the party; or
  - (d) from a candidate to himself or herself in his or her capacity as a nomination contestant in respect of the same election.

### Exclusion for funds — registered parties, registered associations and candidates

(2.1) A transfer of funds is permitted and is not a contribution for the purposes of this Act if it is

- (a) from a registered party to an electoral district association of the party;
- (b) from a registered association to the party with which it is affiliated or another registered association of the party;
- (c) from a candidate endorsed by a registered party to the party or a registered association of the party; or
- (d) from a candidate to himself or herself in his or her capacity as a nomination contestant in respect of the same election.

### Exclusion for funds other than trust funds — registered parties and registered associations

(2.2) A transfer of funds, other than trust funds, is permitted and is not a contribution for the purposes of this Act if it is

- (a) from a registered party to a candidate endorsed by the party; or
- (b) from a registered association to a candidate endorsed by the party with which the association is affiliated.

### Exclusions — leadership contestants and nomination contestants

(3) A transfer of funds is permitted and is not a contribution for the purposes of this Act if it is

- (a) from a leadership contestant of a registered party to the party or a registered association of the party;
  - (b) from a nomination contestant of a registered party to the party, the registered association of the party that held the nomination contest or the official agent of the candidate endorsed by the party in the electoral district in which the nomination contest was held; or
  - (c) from a registered party to a leadership contestant with funds from a directed contribution referred to in subsection 404.3(3).
- (4) [Repealed, 2006, c. 9, s. 44]

### Exception

(5) The provision, by an employer, of a paid leave of absence during an election period to an employee for the purpose of allowing the employee to be a nomination contestant or candidate is not a contribution.

### Exception

(6) The payment by an individual during a year of fees of not more than \$25 per year in relation to a period of not more than 5 years for membership in a registered party is not a contribution.

### Contribution

(7) For greater certainty, the payment by or on behalf of an individual of fees to attend an annual, biennial or leadership convention of a particular registered party is a contribution to that party.

2003, c. 19, s. 24; 2006, c. 9, s. 44.

### Certain transfers prohibited

**404.3** (1) No registered party and no electoral district association of a registered party shall provide goods or services or transfer funds to a leadership contestant or a nomination contestant, unless the goods or services are offered equally to all contestants.

### Definition of "directed contribution"

(2) In this section, "directed contribution" means an amount, being all or part of a contribution made to a registered party, that the contributor requests in writing be transferred to a particular leadership contestant.

### Exception

(3) Subsection (1) does not apply to an amount transferred out of a directed contribution by the registered party to the leadership contestant mentioned in the request if the party provides, with the amount transferred, a statement in the prescribed form setting out the name and address of the contributor, the amount and date of the contribution, the amount of the directed contribution, the amount that the party is transferring and the date of the transfer.

### Presumption

(4) The amount of a directed contribution for transfer to a leadership contestant is deemed to be a contribution made by the contributor to the contestant.

2003, c. 19, s. 24.

### Issuance of receipts

**404.4** (1) Any person who is authorized to accept contributions on behalf of a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant shall issue a receipt — of which he or she shall keep a copy — for each contribution of more than \$20 that he or she accepts.

### Record keeping

(2) If anonymous contributions of \$20 or less per person are collected in response to a general solicitation at a meeting or fundraising event related to the affairs of a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant, the person authorized to accept those contributions must record the following:

- (a) a description of the function at which the contributions were collected;
- (b) the date of the function;
- (c) the approximate number of people at the function; and
- (d) the total amount of anonymous contributions accepted.

2003, c. 19, s. 24; 2006, c. 9, s. 45.

### Contribution limits

**405.** (1) No individual shall make contributions that exceed

- (a) \$1,000 in total in any calendar year to a particular registered party;
  - (a.1) \$1,000 in total in any calendar year to the registered associations, nomination contestants and candidates of a particular registered party;
  - (b) \$1,000 in total to a candidate for a particular election who is not the candidate of a registered party; and
  - (c) \$1,000 in total to the leadership contestants in a particular leadership contest.

### Exception

(2) Subsection (1) does not apply to contributions that are made by way of an unconditional, non-discretionary testamentary disposition.

### Attribution of certain contributions

(3) For the purposes of subsection (1), a contribution to a person who presents himself or herself as seeking the endorsement of a particular registered party shall be treated as a contribution referred to in paragraph (1)(a.1) to a candidate of that party and a contribution to a person who presents himself or herself as seeking to be a candidate not endorsed by any registered party shall be treated as a contribution referred to in paragraph (1)(b).

### Exception — certain contributions to own campaign

(4) The following contributions shall not be taken into account in calculating contributions for the purposes of subsection (1):

(a) contributions that do not exceed \$1,000 in total by a nomination contestant or candidate of a registered party out of his or her own funds to his or her own campaign as a nomination contestant or candidate;

(b) contributions that do not exceed \$1,000 in total by a candidate for a particular election who is not the candidate of a registered party out of his or her own funds to his or her own campaign; and

(c) contributions that do not exceed \$1,000 in total by a leadership contestant in a particular leadership contest out of his or her own funds to his or her own campaign.

### Deemed to be contributions

(5) For the purposes of this Act, contributions made to a leadership contestant within 18 months after a leadership contest are deemed to be contributions for that contest.

2000, c. 9, s. 405; 2003, c. 19, s. 25; 2006, c. 9, s. 46.

### Adjustment for inflation

**405.1** (1) The inflation adjustment factor applicable to the limits established under subsection 405(1), in effect for a period of one year beginning on each April 1, is a fraction with

(a) a numerator that is the annual average Consumer Price Index, as published by Statistics Canada under the authority of the *Statistics Act*, for the calendar year immediately before that date, calculated on the basis of 1992 being equal to 100; and

(b) a denominator that is 119.0, which is the annual average Consumer Price Index, as published by Statistics Canada under the authority of the *Statistics Act*, for 2002, calculated on the basis of 1992 being equal to 100.

### Adjustment

(2) The amounts set out in subsection 405(1) shall be multiplied by the inflation adjustment factor referred to in subsection (1) for any given year and the resulting amounts apply

(a) in the cases referred to in paragraphs 405(1)(a) and (a.1), during the calendar year that commences in that year;

(b) in the case referred to in paragraph 405(1)(b), with respect to an election whose writ is issued during that year; and

(c) in the case referred to in paragraph 405(1)(c), with respect to a leadership contest that begins during that year.

The resulting amounts shall be rounded to the nearest hundred dollars.

### Publication

(3) Before each April 1, the Chief Electoral Officer shall cause to be published in the *Canada Gazette* the amounts applicable from that date.

2003, c. 19, s. 25; 2006, c. 9, s. 47.

#### No circumvention of limits

**405.2** (1) No person or entity shall

(a) circumvent, or attempt to circumvent, the prohibition under subsection 404(1) or a limit set out in subsection 405(1) or section 405.31; or

(b) act in collusion with another person or entity for that purpose.

#### No concealing of source of contribution

(2) No person or entity shall

(a) conceal, or attempt to conceal, the identity of the source of a contribution governed by this Act; or

(b) act in collusion with another person or entity for that purpose.

#### Prohibition — accepting excessive contributions

(3) No person who is permitted to accept contributions under this Act shall knowingly accept a contribution that exceeds a limit under this Act.

#### Prohibited agreements

(4) No person or entity shall enter into an agreement for the provision for payment of goods or services to a registered party or a candidate that includes a term that any individual will make a contribution, directly or indirectly, to a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant.

2003, c. 19, s. 25; 2006, c. 9, s. 48.

#### Prohibition — soliciting or accepting contribution

**405.21** (1) No person or entity shall solicit or accept a contribution on behalf of a registered party, registered association or candidate if the person or entity made a representation to the contributor or potential contributor that part or all of the contribution would be transferred to a person or entity, other than the registered party or a candidate, leadership contestant or electoral district association.

#### Prohibition — collusion

(2) No person or entity shall collude with a person or entity for the purpose of circumventing the prohibition in subsection (1).

2004, c. 24, s. 17.

#### Prohibition — making indirect contributions

**405.3** No individual shall make a contribution to a registered party, a registered association, a candidate or a leadership contestant or a nomination contestant that comes from money, property or the services of any person or entity that was provided to that individual for that purpose.

2003, c. 19, s. 25; 2006, c. 9, s. 49.

#### Limit on cash contributions

**405.31** No individual shall, in respect of each contribution made under this Part, contribute cash in an amount that exceeds \$20.



2006, c. 9, s. 49.

### Return of contributions

**405.4** If a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant receives a contribution made in contravention of subsection 405(1) or 405.2(4) or section 405.3 or 405.31, the chief agent of the registered party, the financial agent of the registered association, the official agent of the candidate or the financial agent of the leadership contestant or nomination contestant, as the case may be, shall, within 30 days after becoming aware of the contravention, return the contribution unused to the contributor, or, if that is not possible, pay the amount of it or, in the case of a non-monetary contribution, an amount of money equal to its commercial value, to the Chief Electoral Officer who shall forward that amount to the Receiver General.

2003, c. 19, s. 25; 2006, c. 9, s. 49.

## *Expenses*

### Candidate's expenses for electoral campaign

**406.** An electoral campaign expense of a candidate is an expense reasonably incurred as an incidence of the election, including

- (a) an election expense;
- (b) a personal expense; and
- (c) any fees of the candidate's auditor, and any costs incurred for a recount of votes cast in the candidate's electoral district, that have not been reimbursed by the Receiver General.

### Election expenses

**407.** (1) An election expense 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.

### Exclusions — certain fund-raising and nominations

(2) Expenses for a fund-raising activity and expenses to directly promote the nomination of a person as a candidate or as leader of a registered party, other than expenses referred to in paragraph (3)(a) that are related to such fund-raising and promotional activities, are not election expenses under subsection (1).

### Inclusions

(3) An election expense referred to in subsection (1) includes a cost incurred for, or a non-monetary contribution in relation to,

- (a) the production of advertising or promotional material and its distribution, broadcast or publication in any media or by any other means;
- (b) the payment of remuneration and expenses to or on behalf of a person for their services as an official agent, registered agent or in any other capacity;
- (c) securing a meeting space or the supply of light refreshments at meetings;
- (d) any product or service provided by a government, a Crown corporation or any other public agency; and
- (e) the conduct of election surveys or other surveys or research during an election period.

### Definition of "cost incurred"

(4) In subsection (1), "cost incurred" means an expense that is incurred by a registered party or a candidate, whether it is paid or unpaid.

2000, c. 9, s. 407; 2003, c. 19, s. 26.

### Contributions for ticketed fund-raising functions

**408.** If a fund-raising activity is held for the primary purpose of soliciting a monetary contribution for a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant by way of selling a ticket, the amount of the 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.

2000, c. 9, s. 408; 2003, c. 19, s. 27.

### Personal expenses of a candidate

**409.** (1) Personal expenses of a candidate are his or her electoral campaign expenses, 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 normally provides such care; and

(d) in the case of a candidate who has a disability, additional personal expenses that are related to the disability.

### Categories and maximums

(2) The Chief Electoral Officer may establish categories of personal expenses and fix maximum amounts that may be incurred for expenses in each category.

### Costs related to candidate's representatives

**409.1** Any expenses of a candidate that are incurred to remunerate the candidate's representatives referred to in subsection 136(1) are deemed to be personal expenses of the candidate.

2003, c. 19, s. 27.1.

### Evidence of payment — \$50 or more

**410.** (1) Where an expense of \$50 or more was incurred under this Act by or on behalf of a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant and paid by an agent or other person authorized under this Act to pay such an expense, the agent or other person must keep a copy of the invoice prepared by the person who provided the good or service to which the expense relates together with proof that it was paid.

### Evidence of payment — under \$50

(2) Where an expense of less than \$50 was incurred and paid as described in subsection (1), the person who made the payment must keep a record of the nature of the expense together with proof that it was paid.

2000, c. 9, s. 410; 2003, c. 19, s. 28.

### Petty expenses

**411.** (1) A person may pay a petty expense incurred for office supplies, postage, courier services and other

incidental expenses under the written authorization of

- (a) a registered agent of a registered party, as an expense incurred by the registered party;
- (b) the official agent of a candidate, as an expense incurred for the candidate's electoral campaign;
- (c) an electoral district agent of a registered association, as an expense incurred by the association;
- (d) a leadership campaign agent of a leadership contestant, as a leadership campaign expense; or
- (e) the financial agent of a nomination contestant, as a nomination campaign expense.

#### Authorized maximum

(2) The written authorization referred to in subsection (1) must specify a maximum amount for the total of petty expenses that the person is authorized to pay.

#### Statement and evidence of payment

(3) A person who is authorized to pay a petty expense shall provide the registered agent or official agent who authorized it with the documentation referred to in section 410 within three months after

- (a) in the case of a petty expense incurred on behalf of a registered party, the day on which it is incurred;
- (b) in the case of a petty expense incurred on behalf of a candidate, polling day;
- (c) in the case of a petty expense incurred on behalf of a registered association, the day on which it is incurred;
- (d) in the case of a petty expense incurred on behalf of a leadership contestant, the day on which it is incurred; and
- (e) in the case of a petty expense incurred on behalf of a nomination contestant, the day on which it is incurred.

#### Prohibition

(4) No person who is authorized to pay petty expenses shall, in total, pay more than the maximum amount of petty expenses that the person is authorized to pay.

2000, c. 9, s. 411; 2003, c. 19, s. 29.

#### Publication of electoral campaign returns and election expense returns

**412.** (1) The Chief Electoral Officer shall, in the manner that he or she considers appropriate, publish the original election expenses returns of registered parties and electoral campaign returns of candidates and any updated versions of those returns

- (a) in the case of an original return, within one year after the issue of a writ for an election; and
- (b) in the case of an updated return, as soon as practicable after he or she receives it.

#### Publication of returns on financial transactions

(2) The Chief Electoral Officer shall, as soon as practicable after receiving them, in the manner that he or she considers appropriate, publish

- (a) the returns on financial transactions of registered parties and registered associations, and any updated versions of them;

(b) the leadership campaign returns of leadership contestants and the returns in respect of contributions of leadership contestants required under subsection 435.31(1) or (2), any updated versions of them and any statements containing information with respect to contributions referred to in paragraph 435.06(2)(d); and

(c) the nomination campaign returns of nomination contestants and any updated versions of them.

#### Summary of return on candidates' election expenses

(3) As soon as practicable after receiving an electoral campaign return for each candidate in an electoral district, the Chief Electoral Officer shall, in the manner that he or she considers appropriate, publish a summary report or updated version of one which shall include the maximum election expenses allowed for the electoral district and, for each candidate,

(a) the total election expenses;

(b) the total personal expenses;

(c) the number of contributors and the total amount of contributions received;

(d) the name of the official agent;

(e) the name of the auditor; and

(f) if it applies, an indication that the auditor's report on a return was qualified.

#### Publication of returns and statements of expenses of deregistered parties

(4) As soon as practicable after receiving a return on financial transactions under subparagraph 392(a)(i) from a deregistered political party, the Chief Electoral Officer shall publish it in the manner that he or she considers appropriate.

2000, c. 9, s. 412; 2003, c. 19, s. 30.

#### Delivery to returning officers

**413.** (1) The Chief Electoral Officer shall, as soon as practicable after receiving the documents referred to in subsection 451(1) for an electoral district, deliver a copy of them to the returning officer for the electoral district.

#### Public availability

(2) A returning officer who receives documents under subsection (1) shall, on request, make them available for six months during reasonable times for public inspection. Copies may be obtained for a fee of up to \$0.25 per page.

#### Retention

(3) A returning officer who receives documents under subsection (1) shall retain them for three years after the six-month period mentioned in subsection (2) or any shorter period that the Chief Electoral Officer considers appropriate.

### *Inflation Adjustment Factor*

#### Inflation adjustment factor

**414.** Before April 1 in each year, the Chief Electoral Officer shall cause to be published in the *Canada Gazette* an inflation adjustment factor that shall be in effect for a period of one year beginning on that date. It shall be a fraction with

(a) a numerator that is the annual average Consumer Price Index, as published by Statistics Canada under the authority of the *Statistics Act*, for the calendar year immediately before that date, calculated on the basis

of 1992 being equal to 100; and

(b) a denominator that is 108.6, which is the annual average Consumer Price Index, as published by Statistics Canada under the authority of the *Statistics Act*, for 1998, calculated on the basis of 1992 being equal to 100.

## DIVISION 3

### FINANCIAL ADMINISTRATION OF REGISTERED PARTIES

#### *General*

##### Duty of chief agent

**415.** The chief agent of a registered party is responsible for administering its financial transactions and for reporting on them, in accordance with the provisions of this Act.

##### Prohibition — paying expenses

**416.** (1) No person or entity, other than the chief agent of a registered party or one of its registered agents or a person authorized under subsection 411(1), shall pay the registered party's expenses.

##### Prohibition — incurring expenses

(2) No person or entity, other than the chief agent of a registered party or one of its registered agents, shall incur the registered party's expenses.

##### Prohibition — accepting contributions

(3) No person or entity, other than a registered agent of a registered party, shall accept contributions to the registered party.

2000, c. 9, s. 416; 2003, c. 19, s. 31.

#### *Processing of Expense Claims*

##### Three months to send expense claims

**417.** (1) A person with a claim to be paid for an expense of a registered party shall, within three months after the expense was incurred, send the invoice or other document evidencing the claim to the registered party or one of its registered agents.

##### Bar to recovery

(2) A claimant is barred from recovery of a claim that is sent after the three-month period.

##### Deceased claimant

(3) If a claimant dies before the end of the three-month period, a new three-month period begins, for the purposes of subsection (1), on the day on which the claimant's legal representative becomes entitled to act for the claimant.

##### Payment within six months

**418.** A claim that has been sent in accordance with section 417 must be paid within six months after payment of it is due.

##### Irregular claims or payments — Chief Electoral Officer

**419.** (1) On the written application of a claimant with a claim to be paid for an expense of a registered party or registered agent, the Chief Electoral Officer may, on being satisfied that there are reasonable grounds for so

doing, in writing authorize the registered agent of the registered party to pay the amount claimed if

- (a) the claim was not sent in accordance with subsection 417(1); or
- (b) the payment was not made in accordance with section 418.

#### Terms and conditions

(2) The Chief Electoral Officer may fix any term or condition that he or she considers appropriate on a payment authorized under subsection (1).

#### Irregular claims or payments — judge

**420.** On the application of a person who has a claim to be paid for an expense of a registered party or of a registered agent of the registered party, a judge who is competent to conduct a recount, on being satisfied that there are reasonable grounds for so doing, may by order authorize the registered agent to pay the amount claimed if

- (a) the applicant establishes that an authorization under subsection 419(1) has been refused and that the claim was sent after the three-month period mentioned in subsection 417(1) or the payment has not been made in the six-month period mentioned in section 418; or
- (b) the amount claimed has not been paid in accordance with an authorization obtained from the Chief Electoral Officer under subsection 419(1) and the applicant establishes that he or she was unable to comply with that authorization for reasons beyond his or her control.

#### Proceeding to recover claimed payments

**421.** (1) A person who has sent a claim in accordance with section 417 may commence proceedings in a court of competent jurisdiction to recover any unpaid amount

- (a) at any time, if the registered agent refuses to pay that amount or disputes that it is payable; or
- (b) after the end of the period mentioned in section 418 or any extension of that period authorized by subsection 419(1) or section 420, in any other case.

#### Payment deemed properly made

(2) An amount paid by a registered agent of a registered party as a result of proceedings referred to in subsection (1) is deemed to have been paid in accordance with this Act.

## *Maximum Election Expenses*

#### Maximum election expenses

**422.** (1) The maximum amount that is allowed for election expenses of a registered party for an election is the product of

- (a) \$0.70 multiplied by the number of names on the preliminary lists of electors for electoral districts in which the registered party has endorsed a candidate or by the number of names on the revised lists of electors for those electoral districts, whichever is greater, and
- (b) the inflation adjustment factor published by the Chief Electoral Officer under section 414 that is in effect on the date of the issue of the writs for the election.

#### Amounts not included in election expenses

(2) For the purpose of subsection (1), an election expense of a registered party does not include

(a) a transfer made by or on behalf of it to candidates in the election; or

(b) an expense incurred by it through a registered agent or person authorized under subsection 411(1) who was not acting within the scope of the registered agent's authority.

2000, c. 9, s. 422; 2003, c. 19, s. 32.

#### Prohibition — election expenses

**423.** (1) No chief agent of a registered party shall incur election expenses on its behalf the total amount of which is more than the maximum amount calculated under section 422.

#### Prohibition — collusion

(2) No registered party and no third party, within the meaning of section 349, shall collude with each other for the purpose of circumventing the maximum amount referred to in subsection (1).

### *Deemed Contributions*

#### Deemed contributions

**423.1** (1) An unpaid claim mentioned in the financial transactions return referred to in subsection 424(1) or in an election expenses return referred to in subsection 429(1) that remains unpaid in whole or in part on the day that is 18 months after the end of the fiscal period to which the return relates or in which the polling day fell, as the case may be, is deemed to be a contribution to the registered party of the unpaid amount on the day on which the expense was incurred.

#### When no deemed contribution

(2) Subsection (1) does not apply to an unpaid claim that, on the day referred to in that subsection,

(a) is the subject of a binding agreement to pay;

(b) is the subject of a legal proceeding to secure its payment;

(c) is the subject of a dispute as to the amount the party was liable to pay or the amount that remains unpaid;  
or

(d) has been written off by the creditor as an uncollectable debt in accordance with the creditor's normal accounting practices.

#### Notice by party

(3) The chief agent of a registered party who believes that any of paragraphs (2)(a) to (d) applies to a liability to pay an amount shall so notify the Chief Electoral Officer before the day referred to in subsection (1).

#### Publication of deemed contributions

(4) As soon as practicable after the day referred to in subsection (1), the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish the list of claims that are deemed under subsection (1) to be contributions.

2003, c. 19, s. 33.

### *Financial Reporting*

#### Return on financial transactions

**424.** (1) For each fiscal period of a registered party, its chief agent shall provide the Chief Electoral Officer

with

- (a) a financial transactions return, substantially in the prescribed form, on the registered party's financial transactions;
- (b) the auditor's report on the financial transactions return made under subsection 426(1); and
- (c) a declaration in the prescribed form by the chief agent concerning those financial transactions.
- (d) [Repealed, 2003, c. 19, s. 34]

### Contents of return

(2) A financial transactions return must set out

- (a) the total contributions received by the registered party and the number of contributors;
- (b) the name and address of each contributor who made contributions of a total amount of more than \$200 to the registered party, that total amount, as well as the amount of each such contribution and the date on which it was received by the party;
- (c) the name and address of each contributor who has made a contribution to the party that includes a directed contribution as defined in subsection 404.3(2), the amount of the contribution, the amount of the directed contribution and the date of the receipt of the contribution;
- (c.1) [Repealed, 2003, c. 19, s. 34]
- (d) [Repealed, 2003, c. 19, s. 34]
- (e) [Repealed, 2003, c. 19, s. 34]
- (f) a statement of the registered party's assets and liabilities and any surplus or deficit in accordance with generally accepted accounting principles, including a statement of
  - (i) disputed claims under section 421, and
  - (ii) unpaid claims that are, or may be, the subject of an application referred to in subsection 419(1) or section 420;
- (g) a statement of the registered party's revenues and expenses in accordance with generally accepted accounting principles;
- (h) a statement, for each electoral district, of the commercial value of goods or services provided and of funds transferred by the registered party to a candidate or the electoral district association;
- (h.1) a statement of each amount transferred to a leadership contestant out of a directed contribution as defined in subsection 404.3(2), the information referred to in paragraph (c) with respect to the contributor and the name of the leadership contestant to whom the amount has been transferred;
- (h.2) a statement of the commercial value of goods or services provided and of funds transferred to the registered party from any of its registered associations, a candidate, a leadership contestant or a nomination contestant;
- (i) a return for election expenses incurred for each by-election during the fiscal period that sets out
  - (i) expenses incurred by the registered party, whether paid or unpaid, and
  - (ii) non-monetary contributions used by it;
- (j) a statement of loans or security received by the registered party, including any conditions on them; and



(k) a statement of contributions received by the registered party but returned in whole or in part to the contributors or otherwise dealt with in accordance with this Act.

### Loans

(3) For the purpose of subsection (2), other than paragraph (2)(k), a contribution includes a loan.

### Period for providing documents

(4) The chief agent of a registered party shall provide the Chief Electoral Officer with the documents referred to in subsection (1) within six months after the end of the fiscal period.

2000, c. 9, s. 424; 2003, c. 19, s. 34.

### Quarterly returns

**424.1** (1) The chief agent of a registered party that is entitled under subsection 435.01(1) to a quarterly allowance shall, for each quarter of the fiscal period of the party, provide the Chief Electoral Officer with a return that includes the information required under paragraphs 424(2)(a) to (c), (h.2) and (k).

### Period for providing return

(2) A quarterly return shall be provided within 30 days after the end of the period to which it relates.

2003, c. 19, s. 34.1.

### When contributions forwarded to Receiver General

**425.** A registered agent of a registered party shall, without delay, pay an amount of money equal to the value of a contribution received by the registered party, to the Chief Electoral Officer, who shall forward it to the Receiver General, if the name of the contributor of a contribution of more than \$20, or the name or the address of the contributor having made contributions of a total amount of more than \$200, is not known.

2000, c. 9, s. 425; 2003, c. 19, s. 35; 2006, c. 9, s. 50.

### Auditor's report

**426.** (1) The auditor of a registered party shall report to the party's chief agent on the financial transactions return of the party and shall make any examination in accordance with generally accepted auditing standards that will enable the auditor to give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which the return is based.

### Statement

(2) An auditor shall include in the report under subsection (1) any statement the auditor considers necessary if

(a) the financial transactions return that is the subject of the report does not present fairly and in accordance with generally accepted accounting principles the information contained in the financial records on which it is based;

(b) the auditor has not received from registered agents and officers of the registered party all of the required information and explanation; or

(c) based on the examination, it appears that proper accounting records have not been kept by the registered party.

### Right of access

(3) The auditor for a registered party shall have access at any reasonable time to all documents of the party, and may require the registered agents and officers of the party to provide any information or explanation that, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

2000, c. 9, s. 426; 2003, c. 19, s. 36.

#### Prohibition — financial reports

**427.** No chief agent of a registered party shall provide the Chief Electoral Officer with a financial transactions return that

- (a) the chief agent knows or ought reasonably to know contains a materially false or misleading statement; or
- (b) does not substantially set out the information required by subsection 424(2).

**428.** [Repealed, 2003, c. 19, s. 37]

### *Election Expenses Reporting*

#### Return on election expenses

**429.** (1) For a general election, the chief agent of a registered party shall provide the Chief Electoral Officer with

- (a) an election expenses return on the registered party's general election expenses in the general election that substantially is in the prescribed form;
- (b) the auditor's report referred to in subsection 430(1) on that return; and
- (c) a declaration by the chief agent concerning those election expenses, in the prescribed form.

#### Contents of return

- (2) An election expenses return must set out as an election expense each of
  - (a) the expenses incurred by the registered party, whether paid or unpaid; and
  - (b) the non-monetary contributions used by the registered party.

#### Period for providing documents

(3) The chief agent of a registered party shall provide the documents referred to in subsection (1) to the Chief Electoral Officer within six months after the polling day for the general election.

#### Auditor's report on return on election expenses

**430.** (1) As soon as practicable after a general election, the auditor of a registered party shall report to its chief agent on its return on general election expenses and shall make any examination in accordance with generally accepted auditing standards that will enable the auditor to give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which the return is based.

#### Statement

- (2) An auditor shall include in the report under subsection (1) any statement the auditor considers necessary if
  - (a) the return that is the subject of the report does not present fairly the information contained in the financial records on which the return is based;
  - (b) the auditor has not received from registered agents or officers of the party all the required information and explanation; or
  - (c) based on the examination, it appears that proper accounting records have not been kept by the registered

party.

### Right of access

(3) The auditor for a registered party shall have access at any reasonable time to all documents of the registered party, and may require the registered agents and officers of the party to provide any information or explanation that, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

2000, c. 9, s. 430; 2003, c. 19, s. 38.

### Prohibitions — true and complete returns

**431.** No chief agent of a registered party shall provide the Chief Electoral Officer with a return on the registered party's general election expenses that

- (a) the chief agent knows or ought reasonably to know contains a materially false or misleading statement; or
- (b) does not substantially set out the information required by subsection 429(2).

## *Corrections and Extended Reporting Periods*

### Minor corrections — Chief Electoral Officer

**432.** (1) The Chief Electoral Officer may correct a document referred to in subsection 424(1) or 429(1) if the correction does not materially affect its substance.

### Corrections at request of Chief Electoral Officer

(2) The Chief Electoral Officer may in writing request a registered party to correct, within a specified period, a document referred to in subsection 424(1) or 429(1).

### Extension or correction — Chief Electoral Officer

**433.** (1) The Chief Electoral Officer, on the written application of the chief agent of a registered party or, if there is no chief agent, its leader, may authorize

- (a) the extension of a period provided in subsection 424(4) or 429(3); or
- (b) the correction, within a specified period, of a document referred to in subsection 424(1) or 429(1).

### Deadline

(2) An application may be made

- (a) under paragraph (1)(a), within the period provided in subsection 424(4) or 429(3), as the case may be; and
- (b) under paragraph (1)(b), as soon as the applicant becomes aware of the need for correction.

### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the applicant that the circumstances giving rise to the application arose by reason of

- (a) the absence, death, illness or misconduct of the chief agent or a predecessor;
- (b) the absence, death, illness or misconduct of a registered agent of the registered party or of an agent, a clerk or an officer of the chief agent, or a predecessor of one of them; or

(c) inadvertence or an honest mistake of fact.

#### Extension or correction — judge

**434.** (1) The chief agent of a registered party or, if there is no chief agent, its leader, may apply to a judge who is competent to conduct a recount for an order

(a) relieving the party from complying with a request referred to in subsection 432(2); or

(b) authorizing an extension referred to in paragraph 433(1)(a) or correction referred to in paragraph 433(1)(b).

The applicant shall notify the Chief Electoral Officer of the application.

#### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the specified period referred to in subsection 432(2) or within the two weeks after the expiration of that period; or

(b) under paragraph (1)(b), within two weeks after, as the case may be,

(i) the rejection of an application, made in accordance with section 433, for the extension or correction, or

(ii) the expiration of the extended period or specified period authorized under paragraph 433(1)(a) or (b).

#### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of one of the factors referred to in paragraph 433(3)(a) to (c).

#### Contents of order

(4) An order may require that the applicant satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

#### Date of authorization

(5) For the purposes of this Act, an extension or correction referred to in subsection (1) is authorized on the date of the order or, if the order specifies that conditions are to be met, the date as of which the applicant has met them.

## *Reimbursement of Election Expenses*

#### Certificate

**435.** (1) On receipt from a registered party of the documents referred to in subsection 429(1), the Chief Electoral Officer shall provide the Receiver General with a certificate that sets out the amount that is 50% of the registered party's election expenses that were paid by its registered agents as set out in the return for its general election expenses, if

(a) the Chief Electoral Officer is satisfied that the registered party and its chief agent have complied with the requirements of sections 429 to 434;

(b) the auditor's report does not include a statement referred to in subsection 430(2); and

(c) candidates endorsed by the registered party received at least

(i) 2% of the number of valid votes cast at the election, or

(ii) 5% of the number of valid votes cast in the electoral districts in which the registered party endorsed a candidate.

### Reimbursement

(2) On receipt of the certificate, the Receiver General shall reimburse the amount set out in it to the registered party by paying that amount out of the Consolidated Revenue Fund.

2000, c. 9, s. 435; 2003, c. 19, s. 39.

## Quarterly Allowances

### Quarterly allowance

**435.01** (1) The Chief Electoral Officer shall determine, for each quarter of a calendar year, an allowance payable to a registered party whose candidates for the most recent general election preceding that quarter received at that election at least

(a) 2% of the number of valid votes cast; or

(b) 5% of the number of valid votes cast in the electoral districts in which the registered party endorsed a candidate.

### Computation of fund

(2) An allowance fund for a quarter is the product of

(a) \$0.4375 multiplied by the number of valid votes cast in the election referred to in subsection (1), and

(b) the inflation adjustment factor determined under subsection 405.1(1) that is in effect for that quarter.

### Computation of party's allowance

(3) Each such registered party's allowance for a quarter is that part of the allowance fund for that quarter that corresponds to its percentage of valid votes cast in the election mentioned in subsection (1).

### Merger of parties

(4) A merged party is entitled to the aggregate of the allowances to which the merging parties of which it is composed would have been entitled had they not merged.

2003, c. 19, s. 40.

### Certificate

**435.02** (1) As soon as practicable after the end of each quarter, the Chief Electoral Officer shall provide the Receiver General with a certificate that sets out the amount of the allowance payable to a registered party for that quarter.

### Delay for non-compliance

(2) If a registered party has not provided all the documents that it is required to provide under sections 424, 424.1 and 429, the Chief Electoral Officer shall postpone providing the certificate for any quarter until the party has provided those documents.

### Payment

(3) The Receiver General shall, on receipt of a certificate, pay to the registered party out of the Consolidated Revenue Fund the amount set out in the certificate. The payment may also be made in whole or in part to any provincial division of the party, as authorized in writing by the leader of the party.

### Definition of "provincial division"

(4) In this Act, "provincial division" means a division of a registered party for a province or territory in relation to which the leader of the party has provided the following to the Chief Electoral Officer:

- (a) the name of the division and of the province or territory;
- (b) the name of the party;
- (c) the address of the office at which records of that division are maintained and to which communications may be addressed;
- (d) the names and addresses of the chief executive officer and other officers of the division;
- (e) the name and address of any registered agent appointed by the division; and
- (f) a declaration signed by the leader of the party certifying that the division is a division of the party.

This Act applies to information provided under this subsection as if it were information referred to in paragraphs 366(2)(a) to (h).

### Report of changes in information

(5) Within 15 days after a change in the information referred to in subsection (4), the chief executive officer of the provincial division shall report the change in writing to the chief agent of the registered party.

2003, c. 19, s. 40.

## Division 3.1

### Registration and Financial Administration of Leadership Contestants

#### *Registration*

### Definition of "personal expenses"

**435.03** In this Division, "personal expenses" of a leadership contestant means his or her expenses that are reasonably incurred in relation to his or her leadership 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 contestant normally provides such care; and
- (d) in the case of a contestant who has a disability, additional personal expenses that are related to the disability.

2003, c. 19, s. 40.

### Notice of leadership contest

**435.04** (1) If a registered party proposes to hold a leadership contest, the chief agent of the party shall file with the Chief Electoral Officer a statement setting out the dates on which the leadership contest is to begin and end.

### Variation and cancellation

(2) A registered party that proposes to vary the leadership contest period or to cancel a leadership contest shall file with the Chief Electoral Officer a statement setting out, as the case may be, the amended beginning date or ending date or the fact of its cancellation.

### Publication

(3) The Chief Electoral Officer shall, in the manner that he or she considers appropriate, publish a notice containing the information referred to in subsections (1) and (2).

2003, c. 19, s. 40.

### Duty to register

**435.05** (1) Every person who accepts contributions for, or incurs leadership campaign expenses in relation to, his or her campaign for the leadership of a registered party shall register as a leadership contestant.

### Deeming

(2) For the purposes of this Part, a leadership contestant is deemed to have been a leadership contestant from the time he or she accepts a contribution or incurs a leadership campaign expense.

2003, c. 19, s. 40.

### Contents of application

**435.06** (1) An application for registration as a leadership contestant must include the following:

- (a) the name of the leadership contestant;
- (b) the address of the place at which the records of the leadership contestant are maintained and to which communications may be addressed;
- (c) the name and address of the leadership contestant's financial agent; and
- (d) the name and address of the leadership contestant's appointed auditor.

### Accompanying documents

(2) The application must be accompanied by the following:

- (a) the signed consent of the financial agent to so act;
- (b) the signed consent of the auditor to so act;
- (c) a declaration signed by the chief agent of the registered party holding the leadership contest certifying that the party accepts the applicant as a leadership contestant; and
- (d) a statement containing the information referred to in paragraphs 435.3(2)(d) and (e) with respect to contributions received before the application for registration.

### Examination of application

(3) The Chief Electoral Officer shall register a leadership contestant who meets the requirements set out in subsections (1) and (2). In the case of a refusal to register, the Chief Electoral Officer shall indicate which of those requirements have not been met.

2003, c. 19, s. 40.

## Registry

**435.07** The Chief Electoral Officer shall maintain a registry of leadership contestants that contains the information referred to in subsection 435.06(1).

2003, c. 19, s. 40.

## Appointments

**435.08** (1) A leadership contestant may, subject to any terms and conditions that the contestant specifies, appoint leadership campaign agents authorized to accept contributions and to incur and pay leadership campaign expenses for the contestant.

## Report of appointment

(2) Within 30 days after the appointment of a leadership campaign agent, the leadership contestant shall provide the Chief Electoral Officer with a written report, certified by the contestant's financial agent, that includes the name and address of the leadership campaign agent and any terms and conditions to which the appointment is subject. The Chief Electoral Officer shall enter that information in the registry of leadership contestants.

2003, c. 19, s. 40.

## Agents — ineligible persons

**435.09** The following persons are not eligible to be the financial agent or a leadership campaign agent of a leadership contestant:

- (a) an election officer or a member of the staff of a returning officer;
- (b) a leadership contestant;
- (c) an auditor appointed as required by this Act;
- (d) a person who is not an elector;
- (e) an undischarged bankrupt; and
- (f) a person who does not have the capacity to enter into contracts in the province in which the person ordinarily resides.

2003, c. 19, s. 40.

## Auditor — eligibility

**435.1** (1) Only the following are eligible to be an auditor for a leadership contestant:

- (a) a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or
- (b) a partnership of which every partner is a member in good standing of a corporation, an association or an institute of professional accountants.

## Auditor — ineligible persons

(2) The following persons are not eligible to be an auditor for a leadership contestant:

- (a) election officers and members of the staff of returning officers;



- (b) chief agents of registered parties or eligible parties and registered agents of registered parties;
- (c) candidates and official agents of candidates;
- (d) electoral district agents of registered associations;
- (e) leadership contestants and their leadership campaign agents;
- (f) nomination contestants and their financial agents; and
- (g) financial agents of registered third parties.

#### Where member of partnership appointed as agent

(3) A person may be appointed as agent for a leadership contestant notwithstanding that the person is a member of a partnership that has been appointed as an auditor, in accordance with the Act for the registered party.

2003, c. 19, s. 40.

#### Consent

**435.11** A leadership contestant shall obtain from the financial agent or auditor, on appointment, their signed consent to so act.

2003, c. 19, s. 40.

#### Replacement of financial agent or auditor

**435.12** In the event of the death, incapacity, resignation or revocation of the appointment of the financial agent or auditor, a leadership contestant shall without delay appoint a replacement.

2003, c. 19, s. 40.

#### Only one financial agent and auditor

**435.13** A leadership contestant shall have no more than one financial agent and one auditor at a time.

2003, c. 19, s. 40.

#### Prohibition — agents

**435.14** (1) No person who is not eligible to be the financial agent or a leadership campaign agent of a leadership contestant shall so act.

#### Prohibition — auditor

(2) No person who is not eligible to be an auditor of a leadership contestant shall so act.

2003, c. 19, s. 40.

#### Changes in registered information

**435.15** (1) Within 30 days after a change in the information referred to in subsection 435.06(1), a leadership contestant shall report the change in writing to the Chief Electoral Officer.

#### New auditor or financial agent

(2) A report under subsection (1) that involves the replacement of the auditor or financial agent of the leadership contestant must include a copy of the signed consent obtained under section 435.11.

### Registration of change

(3) The Chief Electoral Officer shall enter any change in the information referred to in this section in the registry of leadership contestants.

2003, c. 19, s. 40.

### Withdrawal of a leadership contestant

**435.16** A leadership contestant who withdraws from the leadership contest shall file with the Chief Electoral Officer a statement in writing to that effect signed by the contestant and indicating the date of the withdrawal. The Chief Electoral Officer shall indicate the withdrawal in the registry of leadership contestants.

2003, c. 19, s. 40.

### Notice of withdrawal of acceptance

**435.17** A registered party that withdraws its acceptance of a leadership contestant shall file with the Chief Electoral Officer a statement in writing to that effect signed by the chief agent of the party and indicating the date of the withdrawal. The Chief Electoral Officer shall enter the withdrawal of acceptance in the registry of leadership contestants.

2003, c. 19, s. 40.

### Relieved of obligations

**435.18** A leadership contestant who withdraws in accordance with section 435.16 or whose acceptance is withdrawn in accordance with section 435.17 is relieved of the obligation to provide returns under section 435.31 for any period after the withdrawal.

2003, c. 19, s. 40.

### Notification of party

**435.19** The Chief Electoral Officer shall, on becoming aware that a leadership contestant of a registered party has failed to comply with any requirement under this Division, notify the party accordingly.

2003, c. 19, s. 40.

## *Financial Administration of Leadership Contestants*

### Powers, Duties and Functions of Financial Agent

#### Duty of financial agent

**435.2** The financial agent of a leadership contestant is responsible for administering the contestant's financial transactions for his or her leadership campaign and for reporting on those transactions in accordance with the provisions of this Act.

2003, c. 19, s. 40.

#### Bank account

**435.21** (1) The financial agent of a leadership contestant shall open, for the sole purpose of the contestant's leadership campaign, a separate bank account in a Canadian financial institution as defined in section 2 of the *Bank Act*, or in an authorized foreign bank as defined in that section, that is not subject to the restrictions and requirements referred to in subsection 524(2) of that Act.

#### Account holder name

(2) The account must name the account holder as follows: “(name of financial agent), financial agent”.

#### Payments and receipts

(3) All financial transactions of the leadership contestant in relation to the contestant's leadership campaign that involve the payment or receipt of money are to be paid from or deposited to the account.

#### Closure of bank account

(4) The financial agent of a leadership contestant shall close the account after the end of the leadership contest or the withdrawal or death of the contestant and

(a) after the subsequent disposal of any surplus leadership campaign funds in accordance with this Act; or

(b) if there are unpaid claims at the end of the leadership contest, after those claims have been dealt with in accordance with this Act.

#### Final statement of bank account

(5) The financial agent shall, on closing the account, provide the Chief Electoral Officer with the final statement of the account.

2003, c. 19, s. 40.

#### Prohibition — accepting contributions

**435.22** (1) No person, other than a leadership campaign agent of a leadership contestant, shall accept contributions to the contestant's leadership campaign.

#### Accepting certain transfers prohibited

(2) No leadership campaign agent of a leadership contestant shall accept a transfer of funds from a registered party or registered association, except the transfer by a registered party of an amount out of a directed contribution as defined in subsection 404.3(2).

#### Prohibition — paying leadership campaign expenses

(3) No person or entity, other than a leadership campaign agent of the leadership contestant, shall pay leadership campaign expenses, other than personal expenses, of the contestant.

#### Prohibition — incurring leadership campaign expenses

(4) No person or entity, other than a leadership contestant or one of his or her leadership campaign agents, shall incur leadership campaign expenses of the contestant.

#### Prohibition — contestant's personal expenses

(5) No person, other than a leadership contestant or his or her financial agent, shall pay the contestant's personal expenses.

2003, c. 19, s. 40.

## Recovery of Claims

#### Claim for payment

**435.23** (1) A person who has a claim to be paid for an expense in relation to a leadership campaign shall send the invoice or other document evidencing the claim to

- (a) the leadership contestant's financial agent; or
- (b) the leadership contestant, if there is no financial agent.

#### Bar to recovery

(2) A claimant is barred from recovery of a claim to be paid if the invoice or other document evidencing the claim is sent more than three months after the end of the leadership contest.

#### Deceased claimant

(3) If a claimant dies before the end of the three-month period, a new three-month period begins, for the purposes of subsection (1), on the day on which the claimant's legal representative becomes entitled to act for the claimant.

2003, c. 19, s. 40.

#### Payment within 18 months

**435.24** (1) A claim for leadership campaign expenses that has been sent in accordance with section 435.23 must be paid within 18 months after the end of the leadership contest.

#### Exceptions

(2) The requirement to pay a claim within 18 months does not apply to a claim in respect of which

- (a) the documents may be sent within a new period under subsection 435.23(3);
- (b) the Chief Electoral Officer has authorized payment under section 435.26;
- (c) a judge has authorized payment under section 435.27; or
- (d) proceedings have been commenced under section 435.28.

2003, c. 19, s. 40.

#### Unenforceable contracts

**435.25** A contract involving a leadership campaign expense in relation to a leadership contestant is not enforceable against the contestant unless entered into by the contestant personally or by one of the contestant's leadership campaign agents.

2003, c. 19, s. 40.

#### Irregular claims or payments — Chief Electoral Officer

**435.26** (1) On the written application of a leadership contestant, of the contestant's financial agent or of a person with a claim to be paid for a leadership campaign expense in relation to a leadership contestant, the Chief Electoral Officer may, on being satisfied that there are reasonable grounds for so doing, in writing authorize the payment, through the contestant's financial agent, of the amount claimed if

- (a) the invoice or other document evidencing the claim was not sent in accordance with section 435.23; or
- (b) the payment was not made in accordance with subsection 435.24(1).

#### Conditions

(2) The Chief Electoral Officer may impose any term or condition that he or she considers appropriate on a payment authorized under subsection (1).

2003, c. 19, s. 40.

#### Irregular claims and payments — judge

**435.27** On the application of a person with a claim to be paid for a leadership campaign expense in relation to a leadership contestant or on the application of the contestant's financial agent or the contestant, as the case may be, a judge who is competent to conduct a recount may, on being satisfied that there are reasonable grounds for so doing, by order authorize the payment, through the contestant's financial agent, of the amount claimed if

(a) the applicant establishes that an authorization under subsection 435.26(1) has been refused and that the invoice or other document evidencing the claim was not sent in accordance with section 435.23 or the payment has not been made in the four-month period referred to in subsection 435.24(1); or

(b) the amount claimed has not been paid in accordance with an authorization obtained under subsection 435.26(1) and the applicant establishes their inability to comply with the authorization for reasons beyond their control.

The applicant shall notify the Chief Electoral Officer that the application has been made.

2003, c. 19, s. 40.

#### Proceedings to recover payment

**435.28** (1) A person who has sent a claim in accordance with section 435.23 may commence proceedings in a court of competent jurisdiction to recover any unpaid amount

(a) at any time, if the leadership contestant or his or her financial agent refuses to pay that amount or disputes that it is payable; and

(b) after the end of the period referred to in subsection 435.24(1) or any extension of that period authorized by subsection 435.26(1) or section 435.27, in any other case.

#### Payment deemed properly made

(2) An amount paid by the financial agent of a leadership contestant as a result of proceedings referred to in subsection (1) is deemed to have been paid in accordance with this Act.

2003, c. 19, s. 40.

#### Deemed contributions

**435.29** (1) An unpaid claim mentioned in a return referred to in subsection 435.3(1) that, on the day that is 18 months after the end of the leadership contest, remains unpaid, in whole or in part, is deemed to be a contribution of the unpaid amount to the leadership contestant made as of the day on which the expense was incurred.

#### When no deemed contribution

(2) Subsection (1) does not apply to an unpaid claim that, on the day referred to in that subsection,

(a) is the subject of a binding agreement to pay;

(b) is the subject of a legal proceeding to secure its payment;

(c) is the subject of a dispute as to the amount the leadership contestant was liable to pay or the amount that remains unpaid; or

(d) has been written off by the creditor as an uncollectable debt in accordance with the creditor's normal accounting practices.

## Notice

(3) A leadership contestant or a financial agent who believes that any of paragraphs (2)(a) to (d) applies to a liability to pay an amount shall so notify the Chief Electoral Officer before the day referred to in subsection (1).

## Publication of deemed contributions

(4) As soon as practicable after the day referred to in subsection (1), the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish the list of claims that are deemed under subsection (1) to be contributions.

2003, c. 19, s. 40.

## Return on Financing and Expenses in a Leadership Campaign

### Leadership campaign return

**435.3** (1) The financial agent of a leadership contestant shall provide the Chief Electoral Officer with the following in respect of a leadership campaign:

- (a) a leadership campaign return, substantially in the prescribed form, on the financing and leadership campaign expenses for the leadership campaign;
- (b) the auditor's report on the return, if one is required under subsection 435.33(1);
- (c) a declaration, in the prescribed form, made by the financial agent that the return is complete and accurate; and
- (d) a declaration in the prescribed form made by the leadership contestant that the return is complete and accurate.

### Contents of return

(2) The leadership campaign return shall include the following information in respect of the leadership contestant:

- (a) a statement of leadership campaign expenses;
- (b) a statement of disputed claims that are the subject of proceedings under section 435.28;
- (c) a statement of unpaid claims that are, or may be, the subject of an application under section 435.26 or 435.27;
- (d) the total contributions received by the leadership contestant and the number of contributors;
- (d.1) disclosure of all financial loans for the purposes of the campaign, including interest rates, repayment schedules and the name of the lender;
- (e) the name and address of each contributor who made contributions of a total amount of more than \$200 to the leadership contestant, that total amount, as well as the amount of each such contribution and the date on which it was received by the contestant;
- (f) the name and address of each contributor who made a contribution that includes a directed contribution as defined in subsection 404.3(2) out of which an amount has been transferred by the party to the contestant, the amount of the contribution, the amount of the directed contribution, the amount transferred, as well as the dates of the receipt of the contribution and of the transfer;
- (g) a statement of the commercial value of goods or services provided and of funds transferred by the leadership contestant to a registered party or a registered association; and
- (h) a statement of contributions received but returned to the contributor or otherwise dealt with in accordance

with this Act.

### Supporting documents

(3) Together with the leadership campaign return, the financial agent of a leadership contestant shall provide to the Chief Electoral Officer documents evidencing expenses set out in the return, including bank statements, deposit slips, cancelled cheques and the contestant's written statement concerning personal expenses referred to in subsection 435.36(1).

### Order for additional supporting documents

(4) If the Chief Electoral Officer is of the opinion that the documents provided under subsection (3) are not sufficient, the Chief Electoral Officer may require the financial agent to provide by a specified date any additional documents that are necessary to comply with that subsection.

### Loans

(5) For the purpose of subsection (2), other than paragraph (2)(h), a contribution includes a loan.

### Period for providing documents

(6) The documents referred to in subsection (1) must be provided to the Chief Electoral Officer within six months after the end of the leadership contest.

### Declaration of leadership contestant

(7) A leadership contestant shall, within six months after the end of the leadership contest, send to his or her financial agent the declaration referred to in paragraph (1)(d).

### Death of leadership contestant

(8) If a leadership contestant dies without having sent the declaration within the period referred to in subsection (7)

(a) he or she is deemed to have sent the declaration in accordance with that subsection; and

(b) the financial agent is deemed to have sent the declaration to the Chief Electoral Officer in accordance with subsection (1).

2003, c. 19, s. 40.

### Return on contributions

**435.31** (1) The financial agent of a leadership contestant shall, for the period beginning on the first day of the leadership contest and ending on the day that is four weeks before the end of the leadership contest, provide the Chief Electoral Officer with a return that includes the information required under paragraphs 435.3(2)(d) to (h).

### Weekly returns

(2) The financial agent of a leadership contestant shall, for each of the three weeks after the end of the period referred to in subsection (1), provide the Chief Electoral Officer with such a return weekly.

### Period for providing return

(3) A return referred to in subsection (1) or (2) shall be provided no later than one week after the end of the period to which it relates.

2003, c. 19, s. 40.

### When contributions forwarded to Receiver General

**435.32** The financial agent of a leadership contestant shall, without delay, pay an amount of money equal to the value of a contribution that the contestant received to the Chief Electoral Officer, who shall forward it to the

Receiver General, if the name of the contributor of a contribution of more than \$20, or the name or the address of the contributor having made contributions of a total amount of more than \$200, is not known.

2003, c. 19, s. 40; 2006, c. 9, s. 51.

#### Auditor's report

**435.33** (1) As soon as practicable after the end of a leadership contest, the auditor of a leadership contestant who has accepted contributions of \$5,000 or more in total or incurred leadership campaign expenses of \$5,000 or more in total shall report to the contestant's financial agent on the leadership campaign return and shall, in accordance with generally accepted auditing standards, make any examination that will enable the auditor to give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which it is based.

#### Statement

(2) The auditor's report shall include any statement that the auditor considers necessary if

(a) the return does not present fairly the information contained in the financial records on which it is based;

(b) the auditor has not received from the leadership contestant or his or her financial agent all the information and explanation that the auditor required; or

(c) based on the examination, it appears that proper accounting records have not been kept by the financial agent.

#### Right of access

(3) The auditor shall have access at any reasonable time to all documents of the leadership contestant and may require the contestant and his or her financial agent to provide any information or explanation that, in the auditor's opinion, is necessary to enable the auditor to prepare the report.

#### Ineligible to prepare report

(4) A person referred to in subsection 435.1(2) who is a partner or an associate of an auditor of a leadership contestant or who is an employee of that auditor, or of the firm in which that auditor is a partner or associate, may not participate, other than in the manner referred to in subsection (3), in the preparation of the auditor's report.

2003, c. 19, s. 40.

#### Extended period for leadership contestants outside Canada

**435.34** (1) Despite subsection 435.3(6), a leadership contestant who is outside Canada when the other documents referred to in subsection 435.3(1) are provided shall, within 14 days after returning to Canada, provide the Chief Electoral Officer with the leadership contestant's declaration referred to in paragraph 435.3(1)(d).

#### No extended period for financial agent

(2) Subsection (1) does not apply to excuse a leadership contestant's financial agent from complying with his or her obligations under this Act to prepare the return on the contestant's leadership campaign expenses and make a declaration concerning it referred to in paragraph 435.3(1)(c).

2003, c. 19, s. 40.

#### Updating financial reporting documents

**435.35** (1) After the period referred to in subsection 435.3(6), the leadership contestant's financial agent shall provide the Chief Electoral Officer with an updated version of any document referred to in subsection 435.3(1) that relates to a claim involving



- (a) an extended period of recoverability under subsection 435.23(3) because of the death of a claimant;
- (b) an authorization to pay under section 435.26;
- (c) an order to pay under section 435.27; or
- (d) a disputed claim under section 435.28.

#### When no update for audit required

(2) If the matters dealt with in the updated versions of the documents have been subject to an audit under section 435.33, an updated version of the auditor's report need not be provided.

#### Period for providing update

(3) The leadership contestant's financial agent shall provide an updated version of a document referred to in subsection (1) within 30 days after making a payment that is dealt with in the updated version.

2003, c. 19, s. 40; 2004, c. 24, s. 18.

#### Statement of personal expenses

**435.36** (1) A leadership contestant shall, within five months after the end of the leadership contest, send to his or her financial agent a written statement in the prescribed form that

- (a) sets out the amount of any personal expenses that he or she paid and details of those personal expenses, including documentation of their payment; or
- (b) declares that he or she did not pay for any personal expenses.

#### Death of contestant

(2) Subsection (1) does not apply to a leadership contestant who dies without having sent the written statement referred to in that subsection before the end of the five-month period referred to in it.

2003, c. 19, s. 40.

## Corrections and Extended Reporting Periods

#### Minor corrections — Chief Electoral Officer

**435.37** (1) The Chief Electoral Officer may correct a document referred to in subsection 435.3(1) or 435.35(1), if the correction does not materially affect its substance.

#### Corrections at request of Chief Electoral Officer

(2) The Chief Electoral Officer may in writing request the leadership contestant or his or her financial agent to correct, within a specified period, a document referred to in subsection 435.3(1) or 435.35(1).

2003, c. 19, s. 40.

#### Extension or correction — Chief Electoral Officer

**435.38** (1) The Chief Electoral Officer, on the written application of a leadership contestant or his or her financial agent, may authorize

- (a) the extension of a period provided in subsection 435.3(4) or 435.35(3); or
- (b) the correction, within a specified period, of a document referred to in subsection 435.3(1) or updated

document referred to in subsection 435.35(1).

#### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the period provided in subsection 435.3(4) or 435.35(3), as the case may be; and

(b) under paragraph (1)(b), as soon as the applicant becomes aware of the need for correction.

#### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the applicant that the circumstances giving rise to the application arose by reason of

(a) the illness of the applicant;

(b) the absence, death, illness or misconduct of the financial agent or a predecessor;

(c) the absence, death, illness or misconduct of a clerk or an officer of the financial agent, or a predecessor of one of them; or

(d) inadvertence or an honest mistake of fact.

2003, c. 19, s. 40.

#### Extension or correction — judge

**435.39** (1) A leadership contestant or his or her financial agent may apply to a judge who is competent to conduct a recount for an order

(a) relieving the contestant or financial agent from complying with a request referred to in subsection 435.37(2); or

(b) authorizing an extension referred to in paragraph 435.38(1)(a) or correction referred to in paragraph 435.38(1)(b).

The applicant shall notify the Chief Electoral Officer of the application.

#### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the specified period referred to in subsection 435.37(2) or within the two weeks after the expiration of that period; or

(b) under paragraph (1)(b), within two weeks after, as the case may be,

(i) the rejection of an application, made in accordance with section 435.38, for the extension or correction, or

(ii) the expiration of the extended period or specified period authorized under paragraph 435.38(1)(a) or (b).

#### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of one of the factors referred to in subsection 435.38(3).

### Contents of order

(4) An order under subsection (1) may require that the applicant satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

2003, c. 19, s. 40.

### Refusal or failure of financial agent

**435.4** (1) A judge dealing with an application under section 435.39 or 435.41 who is satisfied that a leadership contestant or a financial agent has not provided the documents referred to in subsection 435.3(1) in accordance with this Act because of a refusal by, or a failure of, the financial agent or a predecessor of the financial agent shall, by order served personally, require the financial agent or that predecessor to appear before the judge.

### Show cause orders

(2) The judge shall, unless the financial agent or predecessor on his or her appearance shows cause why an order should not be issued, order in writing that he or she

(a) do anything that the judge considers appropriate in order to remedy the refusal or failure; or

(b) be examined concerning any information that pertains to the refusal or failure.

2003, c. 19, s. 40.

### Recourse of contestant for fault of financial agent

**435.41** A leadership contestant may apply to a judge who is competent to conduct a recount for an order that relieves the contestant from any liability or consequence under this or any other Act of Parliament in relation to an act or omission of the contestant's financial agent, if the contestant establishes that

(a) it occurred without his or her knowledge or acquiescence; or

(b) he or she exercised all due diligence to avoid its occurrence.

The applicant shall notify the Chief Electoral Officer that the application has been made.

2003, c. 19, s. 40.

### Destruction of documents — judge

**435.42** (1) A leadership contestant or his or her financial agent may apply to a judge who is competent to conduct a recount for an order relieving the financial agent from the obligation to provide a document referred to in subsection 435.3(1) or 435.35(1). The contestant or financial agent shall notify the Chief Electoral Officer that the application has been made.

### Grounds

(2) The judge may not grant the order unless he or she is satisfied that the applicant cannot provide the documents because of their destruction by a superior force, including a flood, fire or other disaster.

### Date of relief

(3) For the purposes of this Act, the applicant is relieved from the obligation referred to in subsection (1) on the date of the order.

2003, c. 19, s. 40.

### Prohibition — false, misleading or incomplete returns

**435.43** No leadership contestant and no financial agent of a leadership contestant shall provide the Chief Electoral Officer with a document referred to in subsection 435.3(1) or 435.35(1) that

(a) the contestant or the financial agent, as the case may be, knows or ought reasonably to know contains a material statement that is false or misleading; or

(b) does not substantially set out the information required by subsection 435.3(2) or required to be updated under subsection 435.35(1).

2003, c. 19, s. 40.

## Surplus of Leadership Campaign Funds

### Surplus of leadership campaign funds

**435.44** The surplus amount of leadership campaign funds that a leadership contestant receives for a leadership contest is the amount by which the sum of amounts referred to in subsection 404.3(3), contributions accepted by the leadership campaign agents on behalf of the contestant and any other amounts that were received by the contestant for his or her leadership campaign and that are not repayable is more than the sum of the contestant's leadership campaign expenses paid under this Act and the transfers referred to in paragraph 404.2(3)(a).

2003, c. 19, s. 40.

### Notice of assessment and estimate of surplus campaign funds

**435.45** (1) If the Chief Electoral Officer estimates that a leadership contestant has a surplus of leadership campaign funds, the Chief Electoral Officer shall issue a notice of the estimated amount of the surplus to the contestant's financial agent.

### Disposition of surplus by financial agent

(2) The financial agent of a leadership contestant who has a surplus of leadership campaign funds but has not received a notice of estimated surplus under subsection (1) shall dispose of that estimated surplus within 60 days after the provision of the contestant's leadership campaign return.

2003, c. 19, s. 40.

### Period for disposal of surplus funds

**435.46** (1) The financial agent of a leadership contestant shall dispose of a surplus of leadership campaign funds within 60 days after receiving the notice of estimated surplus.

### Remittance of surplus

(2) Surplus leadership campaign funds must be transferred to the registered party that is holding the leadership contest or a registered association of that party.

2003, c. 19, s. 40.

### Notice of disposal of surplus

**435.47** (1) The financial agent of a leadership contestant shall, within seven days after disposing of the contestant's surplus leadership campaign funds, notify the Chief Electoral Officer in the prescribed form of the amount and date of the disposal and to whom the surplus was transferred.

### Publication

(2) As soon as practicable after the disposal of a leadership contestant's surplus leadership campaign funds, the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish a notice referred to in subsection (1).

2003, c. 19, s. 40.

## DIVISION 4

### FINANCIAL ADMINISTRATION OF CANDIDATES

#### *Powers, Duties and Functions of Official Agent*

##### Duty of official agent

**436.** The official agent of a candidate is responsible for administering the candidate's financial transactions for his or her electoral campaign and for reporting on those transactions in accordance with the provisions of this Act.

##### Bank account

**437.** (1) An official agent of a candidate shall open, for the sole purpose of the candidate's electoral campaign, a separate bank account in a Canadian financial institution as defined in section 2 of the *Bank Act*, or in an authorized foreign bank as defined in that section, that is not subject to the restrictions and requirements referred to in subsection 524(2) of that Act.

##### Account holder name

(2) The account must name the account holder as follows: "*(name of official agent)*, official agent".

##### Payments and receipts

(3) All financial transactions of the candidate in relation to an electoral campaign that involve the payment or receipt of money are to be paid from or deposited to the account.

##### Closure of bank account

(4) After the election or the withdrawal or death of the candidate, the official agent of a candidate shall close the account once any unpaid claim or surplus of electoral funds has been dealt with in accordance with this Act.

##### Final statement of bank account

(5) The official agent shall, on closing the account, provide the Chief Electoral Officer with the final statement of the account.

2000, c. 9, s. 437; 2003, c. 19, s. 41.

#### **438.**

(1) [Repealed, 2003, c. 19, s. 42]

##### Prohibition — accepting contributions

(2) No person, other than an official agent of a candidate, shall accept contributions to the candidate's electoral campaign.

##### Prohibition — issuing tax receipts

(3) No person, other than an official agent of a candidate, shall provide official receipts to contributors of monetary contributions to a candidate for the purpose of subsection 127(3) of the *Income Tax Act*.

##### Prohibition — paying electoral expenses

(4) No person or entity, other than the official agent of a candidate, shall pay expenses in relation to the candidate's electoral campaign except for petty expenses referred to in section 411 and the candidate's personal expenses.

#### Prohibition — incurring electoral expenses

(5) No person or entity, other than a candidate, his or her official agent or a person authorized under paragraph 446(c) to enter into contracts, shall incur expenses in relation to the candidate's electoral campaign.

#### Prohibition — candidate's personal expenses

(6) No person, other than a candidate or his or her official agent, shall pay the candidate's personal expenses.

#### Exception

(7) Subsection (4) or (5), as the case may be, does not apply to a registered agent of a registered party who pays or incurs expenses in relation to the electoral campaign of the leader of the registered party.

2000, c. 9, s. 438; 2003, c. 19, s. 42.

### *Notice of Nomination Meeting*

#### Limits on expenses

**439.** (1) The amount that may be spent on providing notice of meetings that are to be held during an election period for the principal purpose of nominating a candidate for an election in an electoral district cannot be more than 1% of the maximum election expenses

(a) that were allowed for a candidate in that electoral district during the immediately preceding general election, if the boundaries for the electoral district have not changed since then; or

(b) that the Chief Electoral Officer determines, in any other case.

#### Prohibition on official agents, candidates and authorized persons

(2) No candidate, official agent of a candidate or person who is authorized under paragraph 446(c) to enter into contracts shall incur or cause to be incurred expenses on account of notices referred to in subsection (1) that are in excess of the amount determined under that subsection.

### *Election Expenses Limit*

#### Maximum election expenses allowed

**440.** The election expenses limit that is allowed for a candidate's election expenses in an electoral district is the product of the base amount for an electoral district determined under section 441 and the inflation adjustment factor referred to in section 414 as of the day of the issue of the writ.

#### Base amount of candidate's election expenses

**441.** (1) The base amount of a candidate's election expenses in an electoral district is the higher of

(a) the amount calculated, on the basis of the preliminary lists of electors for the electoral district, in accordance with subsections (3) to (6), and

(b) the amount calculated, on the basis of the revised lists of electors for the electoral district, in accordance with subsections (7) to (10).

#### Death of candidate of registered party

(2) If a candidate for an electoral district whose nomination was endorsed by a registered party dies in the period beginning at 2:00 p.m. on the 5th day before the closing day for nominations and ending on polling day, the base amount for that electoral district is increased by 50%.

#### Calculation using preliminary lists of electors

(3) The amount referred to in paragraph (1)(a) is the aggregate of the following amounts, based on the number of the electors on the preliminary lists of electors:

- (a) \$2.07 for each of the first 15,000 electors;
- (b) \$1.04 for each of the next 10,000 electors; and
- (c) \$0.52 for each of the remaining electors.

#### Fewer electors than average — general election

(4) If the number of electors on the preliminary lists of electors for the electoral district is less than the average number of electors on all preliminary lists of electors in a general election, then, in making a calculation under subsection (3), the number of electors is deemed to be half-way between the number on the preliminary lists of electors for the electoral district and that average number.

#### Fewer electors than average — by-election

(5) In the case of a by-election, if the number of electors on the preliminary lists of electors for the electoral district is less than the average number of electors on all revised lists of electors in the immediately preceding general election, then, in making a calculation under subsection (3), the number of electors is deemed to be half-way between the number on the preliminary lists of electors for the electoral district and that average number.

#### Districts with lower population density

(6) If the number of electors per square kilometre, calculated on the basis of the preliminary lists of electors for the electoral district, is less than 10, the amount calculated under subsection (3) is increased by the lesser of \$0.31 per square kilometre and 25% of that amount.

#### Calculation using revised list of electors

(7) The amount referred to in paragraph (1)(b) is the aggregate of the following amounts, based on the number of the electors on the revised lists of electors:

- (a) \$2.07 for each of the first 15,000 electors;
- (b) \$1.04 for each of the next 10,000 electors; and
- (c) \$0.52 for each of the remaining electors.

#### Fewer electors than average — general election

(8) If the number of electors on the revised lists of electors for the electoral district is less than the average number of electors on all revised lists of electors in a general election, then, in making a calculation under subsection (7), the number of electors is deemed to be half-way between the number on the revised lists of electors for the electoral district and that average number.

#### Fewer electors than average — by-election

(9) In the case of a by-election, if the number of electors on the revised lists of electors for the electoral district is less than the average number of electors on all revised lists of electors in the immediately preceding general election, then, in making a calculation under subsection (7), the number of electors is deemed to be half-way between the number on the revised lists of electors for the electoral district and that average number.

#### Districts with lower population density

(10) If the number of electors per square kilometre, calculated on the basis of the revised lists of electors for the electoral district, is less than 10, the amount calculated under subsection (7) is increased by the lesser of \$0.31 per square kilometre and 25% of that amount.

2000, c. 9, s. 441; 2001, c. 21, s. 22.

#### Estimated expenses

**442.** (1) On November 15 in each year, the Chief Electoral Officer shall calculate the maximum amount referred to in section 440 for each electoral district, based on the lists of electors in the Register of Electors, as if an election were then to be held.

#### Availability of estimates

(2) The maximum amount for an electoral district must be sent

(a) to any person on request; and

(b) to the member and each registered party that endorsed a candidate in the electoral district in the last election, together with the copy of the lists of electors referred to in subsection 45(1).

#### Maximum amount not guaranteed

(3) The maximum amount calculated under subsection (1) is an estimate and, as such, may be increased or decreased for an electoral district in the subsequent election period.

#### Exception

(4) This section does not apply if November 15 falls during an election period or if the vote at a general election was held during the six months before that date.

2000, c. 9, s. 442; 2007, c. 21, s. 34.

#### Prohibition — expenses more than maximum

**443.** (1) No candidate, official agent of a candidate or person authorized under paragraph 446(c) to enter into contracts shall incur election expenses in an amount that is more than the election expenses limit calculated under section 440.

#### Prohibition — collusion

(2) No candidate, official agent of the candidate, person authorized under paragraph 446(c) to enter into contracts or third party, within the meaning given that expression by section 349, shall collude with each other for the purpose of circumventing the election expenses limit calculated under section 440.

### *Recovery of Claims*

#### Claim for payment

**444.** (1) A person who has a claim to be paid for an expense in relation to an electoral campaign shall send the invoice or other document evidencing the claim to

(a) the candidate's official agent; or

(b) the candidate, if there is no official agent.

#### Bar to recovery

(2) A claimant is barred from recovery of a claim to be paid if the invoice or other document evidencing the claim is sent more than three months after

(a) the day set for polling day; or

(b) the publication of a notice of the withdrawal or deemed withdrawal of the writ for the election in the



*Canada Gazette*, in any other case.

#### Deceased claimant

(3) If a claimant dies before the end of the three-month period, a new three-month period begins, for the purposes of subsection (1), on the day on which the claimant's legal representative becomes entitled to act for the claimant.

#### Payment within four months

**445.** (1) A claim for electoral campaign expenses that has been sent in accordance with section 444 must be paid within four months after

(a) the day set for polling day; or

(b) the publication in the *Canada Gazette* of a notice of the withdrawal or deemed withdrawal of the writ for the election.

#### Exceptions

(2) The requirement to pay a claim within four months does not apply to a claim in respect of which

(a) the documents may be sent within a new period under subsection 444(3);

(b) the Chief Electoral Officer has authorized payment under section 447;

(c) a judge has authorized payment under section 448; or

(d) proceedings have been commenced under section 449.

#### Unenforceable contracts

**446.** A contract involving an expense in relation to a candidate's electoral campaign is not enforceable against the candidate unless entered into by

(a) the candidate personally;

(b) the candidate's official agent; or

(c) a person whom the official agent may, in writing, have authorized to enter into the contract.

#### Irregular claims or payments — Chief Electoral Officer

**447.** (1) On the written application of a person with a claim to be paid for a candidate's electoral campaign expense or of the candidate's official agent or the candidate in relation to such a claim, the Chief Electoral Officer may, on being satisfied that there are reasonable grounds for so doing, in writing authorize the payment, through the candidate's official agent, of the amount claimed if

(a) the invoice or other document evidencing the claim was not sent in accordance with section 444; or

(b) the payment was not made in accordance with subsection 445(1).

#### Conditions

(2) The Chief Electoral Officer may impose any term or condition that he or she considers appropriate on a payment authorized under subsection (1).

#### Irregular claims and payments — judge

**448.** On the application of a person with a claim to be paid for a candidate's electoral campaign expense or on the application of the candidate's official agent or the candidate, as the case may be, a judge who is

competent to conduct a recount may, on being satisfied that there are reasonable grounds for so doing, by order authorize the payment, through the candidate's official agent, of the amount claimed if

(a) the applicant establishes that an authorization under subsection 447(1) has been refused and that the invoice or other document evidencing the claim was not sent in accordance with section 444 or the payment has not been paid in the four-month period mentioned in subsection 445(1); or

(b) the amount claimed has not been paid in accordance with an authorization obtained under subsection 447(1) and the applicant establishes their inability to comply with the authorization for reasons beyond their control.

The applicant shall notify the Chief Electoral Officer that the application has been made.

#### Proceedings to recover payment

**449.** (1) A person who has sent a claim in accordance with section 444 may commence proceedings in a court of competent jurisdiction to recover any unpaid amount

(a) at any time, if the candidate or his or her official agent refuses to pay that amount or disputes that it is payable;

(b) after the end of the period mentioned in subsection 445(1) or any extension of that period authorized by subsection 447(1) or section 448, in any other case.

#### Payment deemed properly made

(2) An amount paid by an official agent of a candidate as a result of proceedings referred to in subsection (1) is deemed to have been paid in accordance with this Act.

#### Deemed contributions

**450.** (1) An unpaid claim mentioned in a return referred to in subsection 451(1) 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 deemed to be a contribution of the unpaid amount to the candidate made as of the day on which the expense was incurred.

#### When no deemed contribution

(2) Subsection (1) does not apply to an unpaid claim that, on the day referred to in that subsection,

(a) is the subject of a binding agreement to pay;

(b) is the subject of a legal proceeding to secure its payment;

(c) is the subject of a dispute as to the amount the candidate was liable to pay or the amount that remains unpaid; or

(d) has been written off by the creditor as an uncollectable debt in accordance with the creditor's normal accounting practices.

#### Notice by candidate

(3) A candidate or an official agent who believes that any of paragraphs (2)(a) to (d) applies to a liability to pay an amount shall so notify the Chief Electoral Officer before the day referred to in subsection (1).

#### Publication of deemed contributions

(4) As soon as practicable after the day referred to in subsection (1), the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish the list of claims that are deemed under subsection (1) to be contributions.

## *Return on Financing and Expenses in an Electoral Campaign*

### Electoral campaign return of candidate

**451.** (1) The official agent of a candidate shall provide the Chief Electoral Officer with the following in respect of an election:

- (a) an electoral campaign return, substantially in the prescribed form, on the financing and expenses for the candidate's electoral campaign;
- (b) the auditor's report under section 453 on the return;
- (c) [Repealed, 2003, c. 19, s. 44]
- (d) a declaration, in the prescribed form, made by the official agent concerning the return; and
- (e) a declaration in the prescribed form made by the candidate concerning the return.

### Contents of return

(2) The electoral campaign return shall include the following in respect of the candidate:

- (a) a statement of election expenses;
- (b) a statement of electoral campaign expenses, other than election expenses;
- (c) [Repealed, 2003, c. 19, s. 44]
- (d) a statement of disputed claims that are the subject of proceedings under section 449;
- (e) a statement of unpaid claims that are, or may be, the subject of an application under section 447 or 448;
- (f) a statement of contributions received;
- (g) the number of contributors;
- (g.1) [Repealed, 2006, c. 9, s. 52]
- (h) the name and address of each contributor who made contributions of a total amount of more than \$200 to the candidate, that total amount, as well as the amount of each such contribution and the date on which it was received by the candidate;
- (h.1) [Repealed, 2006, c. 9, s. 52]
- (i) a statement of the commercial value of goods or services provided and of funds transferred by the candidate to a registered party, to a registered association or to himself or herself in his or her capacity as a nomination contestant;
- (j) a statement of the commercial value of goods or services provided and of funds transferred to the candidate from a registered party, a registered association or a nomination contestant; and
- (k) a statement of contributions received but returned to the contributor or otherwise dealt with in accordance with this Act.

### Supporting documents

(2.1) Together with the electoral campaign return, the official agent of a candidate shall provide to the Chief Electoral Officer documents evidencing expenses set out in the return, including bank statements, deposit slips, cancelled cheques and the candidate's written statement concerning personal expenses referred to in subsection 456(1).

#### Order for additional supporting documents

(2.2) If the Chief Electoral Officer is of the opinion that the documents provided under subsection (2.1) are not sufficient, the Chief Electoral Officer may require the official agent to provide by a specified date any additional documents that are necessary to comply with that subsection.

#### Loans

(3) For the purpose of subsection (2), other than paragraph (2)(k), a contribution includes a loan.

#### Period for providing documents

(4) The documents referred to in subsection (1) must be provided to the Chief Electoral Officer within four months after

(a) the day set for polling day; or

(b) the publication of a notice of the withdrawal or deemed withdrawal of the writ for the election, in any other case.

#### Declaration of candidate

(5) A candidate shall, within four months after polling day, send to his or her official agent the declaration referred to in paragraph (1)(e).

#### Death of candidate

(6) If a candidate dies without having sent the declaration within the period referred to in subsection (5)

(a) he or she is deemed to have sent the declaration in accordance with that subsection;

(b) the official agent is deemed to have sent the declaration to the Chief Electoral Officer in accordance with subsection (1); and

(c) the Chief Electoral Officer is deemed to have received the declaration for the purposes of sections 464, 466 and 467.

2000, c. 9, s. 451; 2003, c. 19, s. 44; 2006, c. 9, s. 52.

#### When contributions forwarded to Receiver General

**452.** An official agent of a candidate shall, without delay, pay an amount of money equal to the value of a contribution that the candidate received to the Chief Electoral Officer, who shall forward it to the Receiver General, if the name of the contributor of a contribution of more than \$20, or the name or the address of the contributor having made contributions of a total amount of more than \$200, is not known.

2000, c. 9, s. 452; 2003, c. 19, s. 45; 2006, c. 9, s. 53.

#### Auditor's report on return on election expenses

**453.** (1) As soon as practicable after an election, the auditor of a candidate shall report to the candidate's official agent on the electoral campaign return referred to in paragraph 451(1)(a) and shall, in accordance with generally accepted auditing standards, make any examination that will enable the auditor to give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which it is based.

### Checklist

(2) The auditor's report shall include a completed checklist for audits in the prescribed form.

### Statement

(3) The auditor's report shall include any statement that the auditor considers necessary if

(a) the return does not present fairly the information contained in the financial records on which it is based;

(b) the auditor has not received from the candidate or his or her official agent all the information and explanation that the auditor required; or

(c) based on the examination, it appears that proper accounting records have not been kept by the official agent.

### Right of access

(4) The auditor shall have access at any reasonable time to all documents of the candidate, and may require the candidate and his or her official agent to provide any information or explanation that, in the auditor's opinion, is necessary to enable the auditor to prepare the report.

### Ineligible to prepare report

(5) A person referred to in subsection 85(2) who is a partner or an associate of an auditor of a candidate or who is an employee of that auditor, or of the firm in which that auditor is a partner or associate, may not participate, other than in the manner referred to in subsection (4), in the preparation of the auditor's report.

2000, c. 9, s. 453; 2003, c. 19, s. 46.

### Extended period for candidates outside Canada

**454.** (1) Despite subsection 451(4), a candidate who is outside Canada when the other documents referred to in subsection 451(1) are provided shall, within 14 days after returning to Canada, provide the Chief Electoral Officer with the candidate's declaration concerning his or her electoral campaign return referred to in paragraph 451(1)(e).

### No extended period for official agent

(2) Subsection (1) does not apply to excuse a candidate's official agent from complying with his or her obligations under this Act to prepare the return on the candidate's election expenses and make a declaration concerning it referred to in paragraph 451(1)(d).

### Updating financial reporting documents

**455.** (1) After the four-month period referred to in subsection 451(4), the candidate's official agent shall provide the Chief Electoral Officer with an updated version of any document referred to in subsection 451(1) that relates to a claim involving

(a) an extended period of recoverability under subsection 444(3) because of the death of a claimant;

(b) an authorization to pay under section 447;

(c) an order to pay under section 448; or

(d) a disputed claim under section 449.

### When no update for audit required

(2) If the matters dealt with in the updated versions of the documents have been subject to an audit under section 453, an updated version of the auditor's report need not be provided.

### Period for providing update

(3) The candidate's official agent shall provide an updated version of a document referred to in subsection (1) within 30 days after making a payment that is dealt with in the updated version.

2000, c. 9, s. 455; 2004, c. 24, s. 19.

### Statement of personal expenses

**456.** (1) A candidate shall, within three months after polling day, send to his or her official agent a written statement in the prescribed form that

(a) sets out the amount of any personal expenses that he or she paid and details of those personal expenses, including documentation of their payment; or

(b) declares that he or she did not pay for any personal expenses.

### Death of candidate

(2) Subsection (1) does not apply to a candidate who dies without having sent the written statement referred to in that subsection before the end of the three-month period mentioned in it.

## *Corrections and Extended Reporting Periods*

### Minor corrections — Chief Electoral Officer

**457.** (1) The Chief Electoral Officer may correct a document referred to in subsection 451(1) or 455(1), if the correction does not materially affect its substance.

### Corrections at request of Chief Electoral Officer

(2) The Chief Electoral Officer may in writing request the candidate or his or her official agent to correct, within a specified period, a document referred to in subsection 451(1) or 455(1).

### Extension or correction — Chief Electoral Officer

**458.** (1) The Chief Electoral Officer, on the written application of a candidate or his or her official agent, may authorize

(a) the extension of a period provided in subsection 451(4) or 455(3); or

(b) the correction, within a specified period, of a document referred to in subsection 451(1) or updated document referred to in subsection 455(1).

### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the period provided in subsection 451(4) or 455(3), as the case may be; and

(b) under paragraph (1)(b), as soon as the applicant becomes aware of the need for correction.

### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the applicant that the circumstances giving rise to the application arose by reason of

- (a) the illness of the applicant;
- (b) the absence, death, illness or misconduct of the official agent or a predecessor;
- (c) the absence, death, illness or misconduct of an agent, a clerk or an officer of the official agent, or a predecessor of one of them; or
- (d) inadvertence or an honest mistake of fact.

#### Extension or correction — judge

**459.** (1) A candidate or his or her official agent may apply to a judge who is competent to conduct a recount for an order

- (a) relieving the candidate or official agent from complying with a request referred to in subsection 457(2); or
- (b) authorizing an extension referred to in paragraph 458(1)(a) or correction referred to in paragraph 458(1)(b).

The applicant shall notify the Chief Electoral Officer of the application.

#### Deadline

(2) An application may be made

- (a) under paragraph (1)(a), within the specified period referred to in subsection 457(2) or within the two weeks after the expiration of that period; or
- (b) under paragraph (1)(b), within two weeks after, as the case may be,
  - (i) the rejection of an application, made in accordance with section 458, for the extension or correction, or
  - (ii) the expiration of the extended period or specified period authorized under paragraph 458(1)(a) or (b).

#### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of one of the factors referred to in paragraphs 458(3)(a) to (d).

#### Contents of order

(4) An order under subsection (1) may require that the applicant satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

#### Refusal or failure of official agent

**460.** (1) A judge dealing with an application under section 459 or 461 who is satisfied that a candidate or an official agent has not provided the documents referred to in subsection 451(1) in accordance with this Act because of a refusal by, or a failure of, the official agent or a predecessor of the official agent shall, by order served personally, require the official agent or that predecessor to appear before the judge.

#### Show cause orders

(2) The judge shall, unless the official agent or predecessor on his or her appearance shows cause why an order should not be issued, order in writing that he or she

- (a) do anything that the judge considers appropriate in order to remedy the refusal or failure; or
- (b) be examined concerning any information that pertains to the refusal or failure.

### Recourse of candidate for fault of official agent

**461.** A candidate may apply to a judge who is competent to conduct a recount for an order that relieves the candidate from any liability or consequence under this or any other Act in relation to an act or omission of the candidate's official agent, if the candidate establishes that

- (a) it occurred without his or her knowledge or acquiescence; or
- (b) he or she exercised all due diligence to avoid its occurrence.

The candidate or his or her official agent shall notify the Chief Electoral Officer that the application has been made.

2000, c. 9, s. 461; 2003, c. 19, s. 47.

### Destruction of documents — judge

**462.** (1) A candidate or his or her official agent may apply to a judge who is competent to conduct a recount for an order relieving the official agent from the obligation to provide a document referred to in subsection 451(1) or 455(1). The candidate or official agent shall notify the Chief Electoral Officer that the application has been made.

### Grounds

(2) The judge may not grant the order unless he or she is satisfied that the applicant cannot provide the documents because of their destruction by an act of God or a superior force, including a flood, fire or other disaster.

### Date of relief

(3) For the purposes of this Act, the applicant is relieved from the obligation referred to in subsection (1) on the date of the order.

### Prohibition — false, misleading or incomplete returns

**463.** (1) No candidate and no official agent of a candidate shall provide the Chief Electoral Officer with a document referred to in subsection 451(1) or 455(1) that

- (a) the candidate or the official agent, as the case may be, knows or ought reasonably to know contains a material statement that is false or misleading; or
- (b) does not substantially set out the information required by subsection 451(2) or required to be updated under subsection 455(1).

### Membership in House of Commons suspended

(2) An elected candidate who fails to provide a document as required by section 451 or 455 or fails to make a correction as requested under subsection 457(2) or authorized by 458(1) shall not continue to sit or vote as a member until they are provided or made, as the case may be.

## *Reimbursement of Election Expenses and Personal Expenses*

### Reimbursement — first instalment

**464.** (1) Without delay after receipt of a return of the writ for an electoral district, the Chief Electoral Officer shall provide the Receiver General with a certificate that sets out

- (a) the name of the elected candidate, if any;



(b) the name of any candidate who received 10% or more of the number of valid votes cast; and

(c) the amount that is 15% of the election expenses limit provided for in section 440.

#### Payment of partial reimbursement

(2) On receipt of the certificate, the Receiver General shall pay the amount set out in it out of the Consolidated Revenue Fund to the official agent of any candidate named in the certificate as partial reimbursement for the candidate's election expenses and personal expenses. The payment may be made to the person designated by the official agent.

#### Return of excess payment

(3) An official agent of a candidate shall without delay return to the Receiver General any amount received by him or her under subsection (2) that is more than 60% of the total of

(a) the candidate's personal expenses that have been paid by him or her, and

(b) the candidate's election expenses that have been paid by his or her official agent, as set out in the candidate's electoral campaign return.

2000, c. 9, s. 464; 2003, c. 19, s. 48.

#### Reimbursement — final instalment

**465.** (1) On receipt of the documents referred to in subsection 451(1), or an update of them under subsection 455(1), 458(1) or 459(1), from a candidate named in a certificate referred to in subsection 464(1), the Chief Electoral Officer shall provide the Receiver General with a certificate that

(a) states that the Chief Electoral Officer is satisfied that the candidate and his or her official agent have complied with the requirements of subsection 447(2) and sections 451 to 462;

(b) states that the auditor's report does not include a statement referred to in subsection 453(3);

(c) states that the candidate has incurred more than 30% of the election expenses limit provided for in section 440; and

(d) sets out the amount of the final instalment of the candidate's election expenses and personal expenses reimbursement.

#### Calculation of reimbursement

(2) The amount referred to in paragraph (1)(d) is the lesser of

(a) 60% of the sum of the candidate's paid election expenses and paid personal expenses, less the partial reimbursement made under section 464, and

(b) 60% of the election expenses limit provided for in section 440, less the partial reimbursement made under section 464.

#### Payment of final instalment

(3) On receipt of the certificate, the Receiver General shall pay the amount set out in it out of the Consolidated Revenue Fund to the official agent of the candidate. The payment may be made to the person designated by the official agent.

2000, c. 9, s. 465; 2003, c. 19, s. 49.

#### Audit fee

**466.** On receipt of the documents referred to in subsection 451(1) and, if applicable, those referred to in

subsection 455(1), including the auditor's report, and a copy of the auditor's invoice for that report, the Chief Electoral Officer shall provide the Receiver General with a certificate that sets out the greater of

(a) the amount of the expenses incurred for the audit, up to a maximum of the lesser of 3% of the candidate's election expenses and \$1,500, and

(b) \$250.

2000, c. 9, s. 466; 2003, c. 19, s. 50; 2007, c. 21, s. 35.

#### Payment

**467.** On receipt of the certificate, the Receiver General shall pay the amount set out in it to the auditor out of the Consolidated Revenue Fund.

2000, c. 9, s. 467; 2001, c. 21, s. 23(F); 2003, c. 19, s. 50.

#### Return of deposit

**468.** (1) The Chief Electoral Officer shall provide the Receiver General with a certificate that lists the names of

(a) each candidate, including one who has withdrawn under subsection 74(1), who the Chief Electoral Officer is satisfied has provided the documents under section 451 and returned any unused forms referred to in section 477, in accordance with subsection 478(2); and

(b) any candidate who has died before the closing of all the polling stations.

#### Payment

(2) On receipt of the certificate, the Receiver General shall pay out of the Consolidated Revenue Fund the amount of each listed candidate's nomination deposit to his or her official agent. The payment may be made to the person designated by the official agent.

#### No official agent acting at candidate's death

(3) If there is no official agent in the case described in paragraph (1)(b), the Chief Electoral Officer may return the nomination deposit to any person that he or she considers appropriate.

#### Forfeit to Her Majesty

(4) Any nomination deposit that is not returned under this section is forfeited to Her Majesty in right of Canada.

2000, c. 9, s. 468; 2003, c. 19, s. 51.

#### Death of candidate

**469.** If a candidate who was endorsed by a registered party dies in the period beginning at 2:00 p.m. on the 5th day before the closing day for nominations and ending on polling day,

(a) he or she is deemed for the purpose of section 464 to receive 10% of the valid votes cast in the electoral district in which he or she was a candidate; and

(b) the Chief Electoral Officer shall set out a percentage of 22.5 in the certificate referred to in subsection 464(1) for the other candidates in that electoral district.

2000, c. 9, s. 469; 2003, c. 19, s. 52.

#### Withdrawal of writ

**470.** (1) This Part applies, with the following modifications, to electoral campaign expenses of candidates in

an electoral district in which a writ is withdrawn under section 59 or deemed to be withdrawn under section 551:

(a) the election is deemed to have been held on a polling day that is the day of publication of the notice of withdrawal in the *Canada Gazette*;

(b) each candidate is deemed to have obtained 10% of the votes that would have been validly cast at that deemed election; and

(c) on receipt of a certificate referred to in section 464 or 465, the Receiver General shall pay out of the Consolidated Revenue Fund to the candidate's official agent — or may alternatively pay to the person designated by the agent — the lesser of

(i) the amount that is the election expenses limit provided for in section 440, and

(ii) the amount by which the candidate's election expenses and personal expenses, as disclosed in his or her electoral campaign return, exceeds the total value of the contributions that the candidate received.

#### No reimbursement

(2) Despite subsection (1), a candidate is not entitled to reimbursement for election expenses or personal expenses if

(a) the writ is withdrawn or deemed to be withdrawn before the closing day for nominations; or

(b) the election expenses, as disclosed in the candidate's electoral campaign return, are not more than the value of contributions that the candidate received.

2000, c. 9, s. 470; 2003, c. 19, s. 53.

### *Surplus of Electoral Funds*

#### Surplus of electoral funds

**471.** (1) The surplus amount of electoral funds that a candidate receives for an election is the amount by which the candidate's electoral revenues referred to in subsection (2) are more than the total of the candidate's electoral campaign expenses paid by his or her official agent and the transfers referred to in subsection (3).

#### Electoral revenues

(2) The electoral revenues of a candidate include any amount that represents

(a) a monetary contribution made to the candidate;

(b) an election expense or personal expense for which the candidate was reimbursed under this Act;

(c) the candidate's nomination deposit for which he or she was reimbursed; and

(d) any other amount that was received by the candidate for his or her electoral campaign and that is not repayable.

#### Transfers

(3) A transfer made by a candidate is a transfer of

(a) any funds that the candidate transfers, during the election, to a registered party or a registered association;

(b) any amount of a reimbursement referred to in paragraphs (2)(b) and (c) that the candidate transfers to that registered party; and

(c) any funds transferred by the candidate under paragraph 404.2(2)(d).

2000, c. 9, s. 471; 2003, c. 19, s. 54.

#### Notice of assessment and estimate of surplus electoral funds

**472.** (1) If the Chief Electoral Officer estimates that a candidate has a surplus of electoral funds, the Chief Electoral Officer shall issue a notice of the estimated amount of the surplus to the candidate's official agent.

#### Notice of surplus by official agent

(2) An official agent of a candidate who has a surplus of electoral funds but has not received a notice of estimated surplus under subsection (1) shall dispose of that estimated surplus within 60 days after, as the case may be,

(a) the later of the reception of the final instalment of the reimbursement of the candidate's election expenses and personal expenses and the reimbursement of the candidate's nomination deposit; or

(b) the provision of the candidate's electoral campaign return, if the candidate did not receive either of the reimbursements mentioned in paragraph (a).

#### Period for disposal of surplus electoral funds

**473.** (1) An official agent of a candidate shall dispose of a surplus of electoral funds within 60 days after receiving the notice of estimated surplus.

#### Remittance of surplus

(2) Surplus electoral funds must be transferred

(a) in the case of a candidate who was endorsed by a registered party, to that party or to the registered association of that party in the candidate's electoral district; or

(b) in any other case, to the Receiver General.

2000, c. 9, s. 473; 2003, c. 19, s. 55.

#### Notice of disposal of surplus

**474.** (1) An official agent of a candidate shall, within seven days after disposing of a candidate's surplus electoral funds, notify the Chief Electoral Officer in the prescribed form of the amount and date of the disposal and to whom the surplus was transferred.

#### Publication

(2) As soon as practicable after the disposal of a candidate's surplus electoral funds, the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish a notice referred to in subsection (1).

#### Requisition for repayment

**475.** (1) An official agent who has disposed of a candidate's surplus electoral funds under paragraph 473(2)(b) and must subsequently pay an electoral campaign expense of the candidate may apply to the Chief Electoral Officer for repayment in an amount that is not more than the lesser of the amount of the subsequent payment and the amount of the surplus electoral funds.

#### Repayment

(2) On receipt of a request for payment from the Chief Electoral Officer in relation to an application, the Receiver General shall pay the amount specified in the application to the official agent out of the Consolidated Revenue Fund.

### Prohibition — transfer of contributions

**476.** No registered agent of a registered party, financial agent of a registered association or financial agent of a nomination contestant shall transfer funds to a candidate after polling day except to pay claims related to the candidate's electoral campaign.

2000, c. 9, s. 476; 2003, c. 19, s. 56.

## Supply and Use of Forms

### Prescribed forms — *Income Tax Act*

**477.** A candidate and his or her official agent shall use the prescribed forms for official receipts to contributors for the purpose of subsection 127(3) of the *Income Tax Act*.

### Provision of forms to candidates

**478.** (1) A returning officer shall provide each candidate in his or her electoral district with a reasonable number of copies of each form requested by the candidate or by his or her official agent.

### Return of unused forms

(2) A candidate and his or her official agent shall return any unused forms referred to in section 477 within a month after polling day.

### Designated forms

(3) The Chief Electoral Officer may, from among forms that are to be provided under subsection (1), designate those that may only be provided to the official agent of a candidate whose nomination has been confirmed under subsection 71(1).

## Division 5

### Nomination Contest Report and Financial Administration of Nomination Contestants

## *Nomination Contest Report*

### Definitions

**478.01** The definitions in this section apply in this Division.

"personal expenses"  
«*dépense personnelle*»

"personal expenses" means the expenses that are reasonably incurred by or on behalf of a nomination contestant in relation to a nomination 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 contestant normally provides such care; and

(d) in the case of a contestant who has a disability, additional personal expenses that are related to the disability.

"selection date"  
«*date de désignation*»

"selection date" means the date on which a nomination contest is decided.

2003, c. 19, s. 57.

#### Notice of nomination contest

**478.02** (1) When a nomination contest is held, the registered party, or the registered association if the contest was held by the registered association, shall, within 30 days after the selection date, file with the Chief Electoral Officer a report setting out

(a) the name of the electoral district, the registered association and the registered party that the nomination contest concerns;

(b) the date on which the nomination contest began and the selection date;

(c) the name and address of each nomination contestant as of the selection date and of his or her financial agent; and

(d) the name of the person selected in the nomination contest.

#### Notice

(2) The Chief Electoral Officer shall, in the manner that he or she considers appropriate, communicate to each nomination contestant the information related to that contestant that was reported under subsection (1).

#### Publication

(3) The Chief Electoral Officer shall, in the manner that he or she considers appropriate, publish a notice containing the information referred to in subsection (1).

2003, c. 19, s. 57.

#### Deeming

**478.03** For the purposes of this Part, a nomination contestant is deemed to have been a nomination contestant from the time he or she accepts a contribution or incurs a nomination campaign expense.

2003, c. 19, s. 57.

#### Duty to appoint financial agent

**478.04** No nomination contestant shall, in relation to his or her nomination campaign, accept contributions or incur nomination campaign expenses unless he or she has appointed a financial agent.

2003, c. 19, s. 57.

#### Agents — ineligible persons

**478.05** (1) The following persons are not eligible to be the financial agent of a nomination contestant:

(a) an election officer or a member of the staff of a returning officer;

(b) a candidate or a nomination contestant;

(c) an auditor appointed as required by this Act;

(d) a person who is not an elector;

(e) an undischarged bankrupt; and

(f) a person who does not have the capacity to enter into contracts in the province in which the person ordinarily resides.

#### Where member of partnership appointed as agent

(2) A person may be appointed as agent for a nomination contestant notwithstanding that the person is a member of a partnership that has been appointed as an auditor, in accordance with the Act for the registered party.

2003, c. 19, s. 57.

#### Consent

**478.06** A nomination contestant shall obtain from the financial agent, on appointment, their signed consent to so act.

2003, c. 19, s. 57.

#### Replacement of financial agent

**478.07** In the event of the death, incapacity, resignation or revocation of the appointment of the financial agent, a nomination contestant shall without delay appoint a replacement.

2003, c. 19, s. 57.

#### Only one financial agent

**478.08** A nomination contestant shall have no more than one financial agent at a time.

2003, c. 19, s. 57.

#### Prohibition — agents

**478.09** No person who is not eligible to be the financial agent of a nomination contestant shall so act.

2003, c. 19, s. 57.

#### Changes in reported information

**478.1** (1) Within 30 days after a change in the information referred to in paragraph 478.02(1)(c), a nomination contestant shall report the change in writing to the Chief Electoral Officer.

#### New financial agent

(2) A report under subsection (1) that involves the replacement of the financial agent of the nomination contestant must include a copy of the signed consent under section 478.06.

2003, c. 19, s. 57.

## *Financial Administration of Nomination Contestants*

### Powers, Duties and Functions of Financial Agent

#### Duty of financial agent

**478.11** The financial agent of a nomination contestant is responsible for administering the contestant's financial transactions for his or her nomination campaign and for reporting on those transactions in accordance

with the provisions of this Act.

2003, c. 19, s. 57.

#### Bank account

**478.12** (1) The financial agent of a nomination contestant shall open, for the sole purpose of the contestant's nomination campaign, a separate bank account in a Canadian financial institution as defined in section 2 of the *Bank Act*, or in an authorized foreign bank as defined in that section, that is not subject to the restrictions and requirements referred to in subsection 524(2) of that Act.

#### Account holder name

(2) The account must name the account holder as follows: "*(name of financial agent)*, financial agent".

#### Payments and receipts

(3) All financial transactions of the nomination contestant in relation to the contestant's nomination campaign that involve the payment or receipt of money are to be paid from or deposited to the account.

#### Closure of bank account

(4) After the selection date, the financial agent of a nomination contestant shall close the account once any unpaid claims or surplus nomination campaign funds have been dealt with in accordance with this Act.

#### Final statement of bank account

(5) The financial agent shall, on closing the account, provide the Chief Electoral Officer with the final statement of the account.

2003, c. 19, s. 57.

#### Prohibition — accepting contributions

**478.13** (1) No person, other than the financial agent of a nomination contestant, shall accept contributions to the contestant's nomination campaign.

#### Accepting certain contributions prohibited

(2) No financial agent of a nomination contestant shall accept a transfer from a registered party or registered association.

#### Prohibition — paying nomination campaign expenses

(3) No person or entity, other than the financial agent of a nomination contestant, shall pay nomination campaign expenses, other than personal expenses, of the contestant.

#### Prohibition — incurring nomination campaign expenses

(4) No person or entity, other than a nomination contestant or his or her financial agent, shall incur nomination campaign expenses of the contestant.

#### Prohibition — contestant's personal expenses

(5) No person, other than a nomination contestant or his or her financial agent, shall pay the contestant's personal expenses.

2003, c. 19, s. 57.

#### Limits on expenses

**478.14** The limit for nomination campaign expenses — other than personal expenses as defined in section



478.01 — that is allowed for a nomination contestant in an electoral district is the amount

(a) that is 20% of the limit that was allowed under section 440 for a candidate's election expenses in that electoral district during the immediately preceding general election, if the boundaries for the electoral district have not changed since then; or

(b) that the Chief Electoral Officer determines, in any other case.

2003, c. 19, s. 57.

#### Prohibition — expenses more than maximum

**478.15** (1) No nomination contestant or financial agent of a nomination contestant shall incur nomination campaign expenses — other than personal expenses as defined in section 478.01 — in an amount that is more than the limit allowed for that electoral district under section 478.14.

#### Prohibition — collusion

(2) No person or entity shall

(a) circumvent, or attempt to circumvent, the limit referred to in section 478.14; or

(b) act in collusion with another person or entity for that purpose.

2003, c. 19, s. 57.

## Recovery of Claims

#### Claim for payment

**478.16** (1) A person who has a claim to be paid for an expense in relation to a nomination campaign shall send the invoice or other document evidencing the claim to

(a) the nomination contestant's financial agent; or

(b) the nomination contestant, if there is no financial agent.

#### Bar to recovery

(2) A claimant is barred from recovery of a claim to be paid if the invoice or other document evidencing the claim is sent more than three months after the selection date.

#### Deceased claimant

(3) If a claimant dies before the end of the three-month period, a new three-month period begins, for the purposes of subsection (1), on the day on which the claimant's legal representative becomes entitled to act for the claimant.

2003, c. 19, s. 57.

#### Payment within four months

**478.17** (1) A claim for nomination campaign expenses that has been sent in accordance with section 478.16 must be paid within four months after the selection date, or in the case referred to in subsection 478.23(7), the polling day.

#### Exceptions

(2) The requirement to pay a claim within four months does not apply to a claim in respect of which

- (a) the documents may be sent within a new period under subsection 478.16(3);
- (b) the Chief Electoral Officer has authorized payment under section 478.19;
- (c) a judge has authorized payment under section 478.2; or
- (d) proceedings have been commenced under section 478.21.

2003, c. 19, s. 57.

### Unenforceable contracts

**478.18** A contract involving a nomination campaign expense in relation to a nomination contestant is not enforceable against the contestant unless entered into by the contestant personally or by the contestant's financial agent.

2003, c. 19, s. 57.

### Irregular claims or payments — Chief Electoral Officer

**478.19** (1) On the written application of a person with a claim to be paid for a nomination campaign expense in relation to a nomination contestant or of the contestant's financial agent or the contestant in relation to such a claim, the Chief Electoral Officer may, on being satisfied that there are reasonable grounds for so doing, in writing authorize the payment, through the contestant's financial agent, of the amount claimed if

- (a) the invoice or other document evidencing the claim was not sent in accordance with section 478.16; or
- (b) the payment was not made in accordance with subsection 478.17(1).

### Conditions

(2) The Chief Electoral Officer may impose any term or condition that he or she considers appropriate on a payment authorized under subsection (1).

2003, c. 19, s. 57.

### Irregular claims and payments — judge

**478.2** On the application of a person with a claim to be paid for a nomination campaign expense in relation to a nomination contestant or on the application of the contestant's financial agent or the contestant, as the case may be, a judge who is competent to conduct a recount may, on being satisfied that there are reasonable grounds for so doing, by order authorize the payment, through the contestant's financial agent, of the amount claimed if

- (a) the applicant establishes that an authorization under subsection 478.19(1) has been refused and that the invoice or other document evidencing the claim was not sent in accordance with section 478.16 or the payment has not been made in the four-month period referred to in subsection 478.17(1); or
- (b) the amount claimed has not been paid in accordance with an authorization obtained under subsection 478.19(1) and the applicant establishes their inability to comply with the authorization for reasons beyond their control.

The applicant shall notify the Chief Electoral Officer that the application has been made.

2003, c. 19, s. 57.

### Proceedings to recover payment

**478.21** (1) A person who has sent a claim in accordance with section 478.16 may commence proceedings in

a court of competent jurisdiction to recover any unpaid amount

(a) at any time, if the nomination contestant or his or her financial agent refuses to pay that amount or disputes that it is payable; or

(b) after the end of the period referred to in subsection 478.17(1) or any extension of that period authorized by subsection 478.19(1) or section 478.2, in any other case.

#### Payment deemed properly made

(2) An amount paid by the financial agent of a nomination contestant as a result of proceedings referred to in subsection (1) is deemed to have been paid in accordance with this Act.

2003, c. 19, s. 57.

#### Deemed contributions

**478.22** (1) An unpaid claim mentioned in a return referred to in subsection 478.23(1) that remains unpaid, in whole or in part, on the day that is 18 months after the selection date — or in the case referred to in subsection 478.23(7), after the polling day — is deemed to be a contribution of the unpaid amount to the nomination contestant made as of the day on which the expense was incurred.

#### When no deemed contribution

(2) Subsection (1) does not apply to an unpaid claim that, on the day referred to in that subsection,

(a) is the subject of a binding agreement to pay;

(b) is the subject of a legal proceeding to secure its payment;

(c) is the subject of a dispute as to the amount the nomination contestant was liable to pay or the amount that remains unpaid; or

(d) has been written off by the creditor as an uncollectable debt in accordance with the creditor's normal accounting practices.

#### Notice

(3) A nomination contestant or a financial agent who believes that any of paragraphs (2)(a) to (d) applies to a liability to pay an amount shall so notify the Chief Electoral Officer before the day referred to in subsection (1).

#### Publication of deemed contributions

(4) As soon as practicable after the day referred to in subsection (1), the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish the list of claims that are deemed under subsection (1) to be contributions.

2003, c. 19, s. 57.

## Return on Financing and Expenses in a Nomination Campaign

#### Nomination campaign return

**478.23** (1) The financial agent of a nomination contestant who has accepted contributions of \$1,000 or more in total or incurred nomination campaign expenses of \$1,000 or more in total shall provide the Chief Electoral Officer with the following in respect of a nomination campaign:

(a) a nomination campaign return, substantially in the prescribed form, on the financing and nomination campaign expenses for the nomination campaign;

(b) if the appointment of an auditor is required under subsection 478.25(1), the auditor's report on the return

made under section 478.28;

(c) a declaration, in the prescribed form, made by the financial agent that the return is complete and accurate; and

(d) a declaration, in the prescribed form, made by the nomination contestant that the return is complete and accurate.

### Contents of return

(2) The nomination campaign return shall include the following in respect of the nomination contestant:

(a) a statement of nomination campaign expenses;

(b) a statement of disputed claims that are the subject of proceedings under section 478.21;

(c) a statement of unpaid claims that are, or may be, the subject of an application under section 478.19 or 478.2;

(d) a statement of contributions received;

(e) the number of contributors;

(e.1) [Repealed, 2006, c. 9, s. 54]

(f) the name and address of each contributor who made contributions of a total amount of more than \$200 to the nomination contestant, that total amount, as well as the amount of each such contribution and the date on which it was received by the contestant;

(g) [Repealed, 2006, c. 9, s. 54]

(h) a statement of the commercial value of goods or services provided and of funds transferred by the nomination contestant to a registered party, a registered association, or a candidate;

(i) a statement of the commercial value of goods or services provided and of funds transferred to the nomination contestant from himself or herself in his or her capacity as a candidate; and

(j) a statement of the contributions received but returned to the contributor or otherwise dealt with in accordance with this Act.

### Supporting documents

(3) Together with the nomination campaign return, the financial agent of a nomination contestant shall provide to the Chief Electoral Officer documents evidencing expenses set out in the return, including bank statements, deposit slips, cancelled cheques and the contestant's written statement concerning personal expenses referred to in subsection 478.31(1).

### Order for additional supporting documents

(4) If the Chief Electoral Officer is of the opinion that the documents provided under subsection (3) are not sufficient, the Chief Electoral Officer may require the financial agent to provide by a specified date any additional documents that are necessary to comply with that subsection.

### Loans

(5) For the purpose of subsection (2), other than paragraph (2)(i), a contribution includes a loan.

### Period for providing documents

(6) The documents referred to in subsection (1) must be provided to the Chief Electoral Officer within four months after the selection date.

### Exception

(7) Despite subsection (6), if the selection date of a nomination contest falls within an election period for that electoral district or the 30 days before it, a nomination contestant may submit the documents referred to in subsection (1) within the period for candidates referred to in subsection 451(4).

### Declaration of nomination contestant

(8) A nomination contestant shall, within four months after the selection date, send to his or her financial agent the declaration referred to in paragraph (1)(d).

### Death of nomination contestant

(9) If a nomination contestant dies without having sent the declaration within the period referred to in subsection (8),

(a) he or she is deemed to have sent the declaration in accordance with that subsection; and

(b) the financial agent is deemed to have sent the declaration to the Chief Electoral Officer in accordance with subsection (1).

2003, c. 19, s. 57; 2006, c. 9, s. 54.

### When contributions forwarded to Receiver General

**478.24** The financial agent of a nomination contestant shall, without delay, pay an amount of money equal to the value of a contribution received by the contestant to the Chief Electoral Officer, who shall forward it to the Receiver General, if the name of the contributor of a contribution of more than \$20, or the name or the address of the contributor having made contributions of a total amount of more than \$200, is not known.

2003, c. 19, s. 57; 2006, c. 9, s. 55.

### Appointment of auditor

**478.25** (1) A nomination contestant who has accepted contributions of \$10,000 or more in total or incurred nomination campaign expenses of \$10,000 or more in total must appoint an auditor without delay.

### Eligibility criteria

(2) The following are eligible to be an auditor for a nomination contestant:

(a) a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or

(b) a partnership every partner of which is a member in good standing of a corporation, an association or an institute of professional accountants.

### Ineligibility criteria

(3) The following persons are not eligible to be an auditor for a nomination contestant:

(a) election officers and members of the staff of returning officers;

(b) chief agents of registered parties or eligible parties and registered agents of registered parties;

(c) candidates and official agents of candidates;

(d) electoral district agents of registered associations;

(e) leadership contestants and their leadership campaign agents;

(f) nomination contestants and their financial agents; and

(g) financial agents of registered third parties.

#### Notification of appointment

(4) Every nomination contestant, without delay after an auditor is appointed, must provide the Chief Electoral Officer with the auditor's name, address, telephone number and occupation and a signed declaration by the auditor accepting the appointment.

#### New auditor

(5) If a nomination contestant's auditor is replaced, the contestant must, without delay, provide the Chief Electoral Officer with the new auditor's name, address, telephone number and occupation and a signed declaration accepting the appointment.

2003, c. 19, s. 57.

#### Only one auditor

**478.26** A nomination contestant shall have no more than one auditor at a time.

2003, c. 19, s. 57.

#### Prohibition — auditors

**478.27** No person who is not eligible to be an auditor of a nomination contestant shall so act.

2003, c. 19, s. 57.

#### Auditor's report

**478.28** (1) An auditor of a nomination contestant appointed in accordance with subsection 478.25(1) shall, as soon as practicable after the selection date, report to the nomination contestant's financial agent on the nomination campaign return for that campaign and shall, in accordance with generally accepted auditing standards, make any examination that will enable the auditor to give an opinion in the report as to whether the return presents fairly the information contained in the financial records on which it is based.

#### Statement

(2) The auditor's report shall include any statement that the auditor considers necessary if

(a) the return does not present fairly the information contained in the financial records on which it is based;

(b) the auditor has not received from the nomination contestant or his or her financial agent all the information and explanation that the auditor required; or

(c) based on the examination, it appears that proper accounting records have not been kept by the financial agent.

#### Right of access

(3) The auditor shall have access at any reasonable time to all documents of the nomination contestant, and may require the contestant and his or her financial agent to provide any information or explanation that, in the auditor's opinion, is necessary to enable the auditor to prepare the report.

#### Ineligible to prepare report

(4) A person referred to in subsection 478.25(3) who is a partner or an associate of an auditor of a nomination

contestant or who is an employee of that auditor, or of the firm in which that auditor is a partner or associate, may not participate, other than in the manner referred to in subsection (3), in the preparation of the auditor's report.

2003, c. 19, s. 57.

#### Extended period for nomination contestants outside Canada

**478.29** (1) Despite subsection 478.23(6), a nomination contestant who is outside Canada when the other documents referred to in subsection 478.23(1) are provided shall, within 14 days after returning to Canada, provide the Chief Electoral Officer with the nomination contestant's declaration concerning his or her nomination campaign return referred to in paragraph 478.23(1)(d).

#### No extended period for financial agent

(2) Subsection (1) does not apply to excuse a nomination contestant's financial agent from complying with his or her obligations under this Act to prepare the return on the contestant's nomination campaign expenses and make a declaration concerning it referred to in paragraph 478.23(1)(c).

2003, c. 19, s. 57.

#### Updating financial reporting documents

**478.3** (1) After the period referred to in subsection 478.23(6) or (7), as the case may be, the nomination contestant's financial agent shall provide the Chief Electoral Officer with an updated version of any document referred to in subsection 478.23(1) that relates to a claim involving

- (a) an extended period of recoverability under subsection 478.16(3) because of the death of a claimant;
- (b) an authorization to pay under section 478.19;
- (c) an order to pay under section 478.2; or
- (d) a disputed claim under section 478.21.

#### When no update for audit required

(2) If the matters dealt with in the updated versions of the documents have been subject to an audit under section 478.28, an updated version of the auditor's report need not be provided.

#### Period for providing update

(3) The nomination contestant's financial agent shall provide an updated version of a document referred to in subsection (1) within 30 days after making a payment that is dealt with in the updated version.

2003, c. 19, s. 57; 2004, c. 24, s. 20.

#### Statement of personal expenses

**478.31** (1) A nomination contestant shall, within three months after the selection date, send to his or her financial agent a written statement in the prescribed form that

- (a) sets out the amount of any personal expenses that he or she paid and details of those personal expenses, including documentation of their payment; or
- (b) declares that he or she did not pay for any personal expenses.

#### Death of contestant

(2) Subsection (1) does not apply to a nomination contestant who dies without having sent the written statement referred to in that subsection before the end of the three-month period referred to in it.

2003, c. 19, s. 57.

## Corrections and Extended Reporting Periods

### Minor corrections — Chief Electoral Officer

**478.32** (1) The Chief Electoral Officer may correct a document referred to in subsection 478.23(1) or 478.3(1), if the correction does not materially affect its substance.

### Corrections at request of Chief Electoral Officer

(2) The Chief Electoral Officer may in writing request the nomination contestant or his or her financial agent to correct, within a specified period, a document referred to in subsection 478.23(1) or 478.3(1).

2003, c. 19, s. 57.

### Extension or correction — Chief Electoral Officer

**478.33** (1) The Chief Electoral Officer, on the written application of a nomination contestant or his or her financial agent, may authorize

(a) the extension of a period provided in subsection 478.23(6) or 478.3(3); or

(b) the correction, within a specified period, of a document referred to in subsection 478.23(1) or updated document referred to in subsection 478.3(1).

### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the period provided in subsection 478.23(6) or 478.3(3), as the case may be; and

(b) under paragraph (1)(b), as soon as the applicant becomes aware of the need for correction.

### Grounds

(3) The Chief Electoral Officer may not authorize an extension or correction unless he or she is satisfied by the evidence submitted by the applicant that the circumstances giving rise to the application arose by reason of

(a) the illness of the applicant;

(b) the absence, death, illness or misconduct of the financial agent or a predecessor;

(c) the absence, death, illness or misconduct of a clerk or an officer of the financial agent, or a predecessor of one of them; or

(d) inadvertence or an honest mistake of fact.

2003, c. 19, s. 57.

### Extension or correction — judge

**478.34** (1) A nomination contestant or his or her financial agent may apply to a judge who is competent to conduct a recount for an order

(a) relieving the contestant or financial agent from complying with a request referred to in subsection 478.32(2); or



(b) authorizing an extension referred to in paragraph 478.33(1)(a) or correction referred to in paragraph 478.33(1)(b).

The applicant shall notify the Chief Electoral Officer of the application.

#### Deadline

(2) An application may be made

(a) under paragraph (1)(a), within the specified period referred to in subsection 478.32(2) or within the two weeks after the expiration of that period; or

(b) under paragraph (1)(b), within two weeks after, as the case may be,

(i) the rejection of an application, made in accordance with section 478.33, for the extension or correction, or

(ii) the expiration of the extended period or specified period authorized under paragraph 478.33(1)(a) or (b).

#### Grounds

(3) A judge may not grant an order unless he or she is satisfied that the circumstances giving rise to the application arose by reason of one of the factors referred to in subsection 478.33(3).

#### Contents of order

(4) An order under subsection (1) may require that the applicant satisfy any condition that the judge considers necessary for carrying out the purposes of this Act.

2003, c. 19, s. 57.

#### Refusal or failure of financial agent

**478.35** (1) A judge dealing with an application under section 478.34 or 478.36 who is satisfied that a nomination contestant or a financial agent has not provided the documents referred to in subsection 478.23(1) in accordance with this Act because of a refusal by, or a failure of, the financial agent or a predecessor of the financial agent shall, by order served personally, require the financial agent or that predecessor to appear before the judge.

#### Show cause orders

(2) The judge shall, unless the financial agent or predecessor on his or her appearance shows cause why an order should not be issued, order in writing that the agent or predecessor

(a) do anything that the judge considers appropriate in order to remedy the refusal or failure; or

(b) be examined concerning any information that pertains to the refusal or failure.

2003, c. 19, s. 57.

#### Recourse of contestant for fault of financial agent

**478.36** A nomination contestant may apply to a judge who is competent to conduct a recount for an order that relieves the contestant from any liability or consequence under this or any other Act of Parliament in relation to an act or omission of the contestant's financial agent, if the contestant establishes that

(a) it occurred without his or her knowledge or acquiescence; or

(b) he or she exercised all due diligence to avoid its occurrence.

The contestant or his or her financial agent shall notify the Chief Electoral Officer that the application has been

made.

2003, c. 19, s. 57.

#### Destruction of documents — judge

**478.37** (1) A nomination contestant or his or her financial agent may apply to a judge who is competent to conduct a recount for an order relieving the financial agent from the obligation to provide a document referred to in subsection 478.23(1) or 478.3(1). The contestant or financial agent shall notify the Chief Electoral Officer that the application has been made.

#### Grounds

(2) The judge may not grant the order unless he or she is satisfied that the applicant cannot provide the documents because of their destruction by a superior force, including a flood, fire or other disaster.

#### Date of relief

(3) For the purposes of this Act, the applicant is relieved from the obligation referred to in subsection (1) on the date of the order.

2003, c. 19, s. 57.

#### Prohibition — false, misleading or incomplete returns

**478.38** No nomination contestant and no financial agent of a nomination contestant shall provide the Chief Electoral Officer with a document referred to in subsection 478.23(1) or 478.3(1) that

(a) the contestant or the financial agent, as the case may be, knows or ought reasonably to know contains a material statement that is false or misleading; or

(b) does not substantially set out the information required by subsection 478.23(2) or required to be updated under subsection 478.3(1).

2003, c. 19, s. 57.

## Surplus of Nomination Campaign Funds

#### Surplus of nomination campaign funds

**478.39** The surplus amount of nomination campaign funds that a nomination contestant receives for a nomination contest is the amount by which the contributions accepted by the financial agent on behalf of the contestant and any other amounts received by the contestant for his or her nomination campaign that are not repayable are more than the contestant's nomination campaign expenses paid under this Act and any transfers referred to in paragraph 404.2(3)(b).

2003, c. 19, s. 57.

#### Notice of assessment and estimate of surplus campaign funds

**478.4** (1) If the Chief Electoral Officer estimates that a nomination contestant has a surplus of nomination campaign funds, the Chief Electoral Officer shall issue a notice of the estimated amount of the surplus to the contestant's financial agent.

#### Disposition of surplus by financial agent

(2) The financial agent of a nomination contestant who has a surplus of nomination campaign funds but has not received a notice of estimated surplus under subsection (1) shall dispose of that estimated surplus within 60 days after the provision of the contestant's nomination campaign return.

2003, c. 19, s. 57.

#### Period for disposal of surplus funds

**478.41** (1) The financial agent of a nomination contestant shall dispose of a surplus of nomination campaign funds within 60 days after receiving the notice of estimated surplus.

#### Remittance of surplus

(2) Surplus nomination campaign funds must be transferred to

(a) the official agent of the candidate endorsed by the registered party in the electoral district in which the nomination contest was held; or

(b) the registered association that held the nomination contest or the registered party for whose endorsement the contest was held.

2003, c. 19, s. 57.

#### Notice of disposal of surplus

**478.42** (1) The financial agent of a nomination contestant shall, within seven days after disposing of the contestant's surplus nomination campaign funds, notify the Chief Electoral Officer in the prescribed form of the amount and date of the disposal and to whom the surplus was transferred.

#### Publication

(2) As soon as practicable after the disposal of a nomination contestant's surplus nomination campaign funds, the Chief Electoral Officer shall, in any manner that he or she considers appropriate, publish a notice referred to in subsection (1).

2003, c. 19, s. 57.

## PART 19 ENFORCEMENT

### PEACE AND GOOD ORDER AT ELECTIONS

#### Duty to maintain order

**479.** (1) Every returning officer is responsible for maintaining order in his or her office during voting in accordance with Division 4 of Part 11.

#### Duty of other election officers

(2) Every deputy returning officer, central poll supervisor and person appointed under paragraph 124(1)(b) is responsible for maintaining order during voting hours at any place where voting takes place in accordance with Part 9 or 10.

#### Order to leave, arrest without warrant

(3) In performing his or her duty under subsection (1) or (2), an election officer may, if a person is committing, in the returning officer's office or other place where the vote is taking place, an offence referred to in paragraph 5(a), section 7 or paragraph 167(1)(a) or an offence under this Act or any other Act of Parliament that threatens the maintenance of order, or if the officer believes on reasonable grounds that a person has committed such an offence in such a place, order the person to leave the office or place or arrest the person without warrant.

#### Order must be obeyed

(4) Every person in respect of whom an order is made to leave an office or place must obey it without delay.

#### Power to eject

(5) If an order to leave an office or place is not obeyed without delay, the person who made it may use such force as is reasonably necessary to eject the person in respect of whom the order was made from the office or place.

#### After arrest

(6) The officer, supervisor or appointed person who arrests a person under subsection (3) shall without delay

(a) advise the person of the right to be represented by counsel and give the person an opportunity to obtain counsel; and

(b) deliver the person to a peace officer to be dealt with in accordance with the *Criminal Code*.

#### Removal of materials

(7) Where a returning officer, deputy returning officer, central poll supervisor or person appointed under paragraph 124(1)(b) believes on reasonable grounds that a person has contravened paragraph 166(1)(a) or (b), the officer, supervisor or appointed person may cause to be removed from, in the case of a returning officer, his or her office or, in the case of a deputy returning officer, central poll supervisor or appointed person, the polling station, any material that they believe on reasonable grounds was used in contravention of that paragraph.

#### Peace officer protection

(8) Every election officer has, while performing their duties under this section, all the protection that a peace officer has by law.

## OFFENCES

### *General Provisions*

#### Obstruction, etc., of electoral process

**480.** (1) Every person is guilty of an offence who, with the intention of delaying or obstructing the electoral process, contravenes this Act, otherwise than by committing an offence under subsection (2) or section 481 or 482 or contravening a provision referred to in any of sections 483 to 499.

#### Public meetings

(2) Every person is guilty of an offence who, at any time between the issue of a writ and the day after polling day at the election, acts, incites others to act or conspires to act in a disorderly manner with the intention of preventing the transaction of the business of a public meeting called for the purposes of the election.

#### Offering bribe

**481.** (1) Every person is guilty of an offence who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate.

#### Accepting bribe

(2) Every elector is guilty of an offence who, during an election period, accepts or agrees to accept a bribe that is offered in the circumstances described in subsection (1).

#### Intimidation, etc.

**482.** Every person is guilty of an offence who

(a) by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting

for a particular candidate at an election; or

(b) by any pretence or contrivance, including by representing that the ballot or the manner of voting at an election is not secret, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election.

### *Offences under Part 1 (Electoral Rights)*

#### Offences requiring intent — dual procedure

**483.** Every person is guilty of an offence who contravenes

(a) paragraph 5(a) (voting when not qualified or entitled) or 5(b) (inducing a person not qualified or entitled to vote, to vote); or

(b) section 7 (voting more than once).

### *Offences under Part 3 (Election Officers)*

#### Strict liability offences — summary conviction

**484.** (1) Every former election officer who contravenes paragraph 43(c) (failure to return election documents and election materials) is guilty of an offence.

#### Offences requiring intent — summary conviction

(2) Every person is guilty of an offence who

(a) being a returning officer, wilfully contravenes subsection 24(3) (failure to take promptly any necessary election proceedings); or

(b) contravenes subsection 43.1(1) (refusal to give access to building or gated community).

#### Offences requiring intent — dual procedure

(3) Every person is guilty of an offence who

(a) contravenes subsection 22(6) (acting as election officer knowing requirements not met);

(b) knowingly contravenes subsection 23(2) (communication of information for unauthorized purpose);

(c) being a returning officer, contravenes subsection 24(6) (engaging in politically partisan conduct);

(d) being a returning officer or assistant returning officer, wilfully contravenes section 31 (acting in another capacity);

(e) contravenes paragraph 43(a) (obstruction of election officer) or wilfully contravenes paragraph 43(b) (impersonation of revising agent); or

(f) being a former election officer, wilfully contravenes paragraph 43(c) (failure to return election documents and election materials).

2000, c. 9, s. 484; 2007, c. 21, s. 36.

### *Offences under Part 4 (Register of Electors)*

#### Offences requiring intent — summary conviction

**485.** (1) Every person who contravenes paragraph 56(e) (unauthorized use of personal information recorded

in Register of Electors) is guilty of an offence.

#### Offences requiring intent — dual procedure

(2) Every person who contravenes any of paragraphs 56(a) to (d) (forbidden acts re Register of Electors) is guilty of an offence.

### *Offences under Part 6 (Candidates)*

#### Strict liability offences — summary conviction

**486.** (1) Every candidate who contravenes subsection 83(1) (failure to appoint official agent) or 83(2) (failure to appoint auditor), section 87 (failure to appoint a replacement official agent or auditor), subsection 92.2(1) (accepting prohibited gift or other advantage) or 92.2(5) (failure to provide statement within required period) or paragraph 92.6(b) (providing incomplete statement) is guilty of an offence.

#### Offences requiring intent — summary conviction

(2) Every person who contravenes subsection 81(1) (refusal to give access to building or gated community) or subsection 81.1(1) (refusal to give access to place open to the public) is guilty of an offence.

#### Offences requiring intent — dual procedure

(3) Every person is guilty of an offence who

(a) contravenes section 89 (signing of nomination paper when ineligible);

(b) wilfully contravenes subsection 90(1) (ineligible person acting as official agent) or 90(2) (ineligible person acting as auditor);

(c) contravenes section 91 (making false statement re candidate);

(d) contravenes section 92 (publication of false statement of withdrawal of candidate);

(e) being a candidate, wilfully contravenes subsection 92.2(1) (accepting prohibited gift or other advantage);

(f) being a candidate, wilfully contravenes subsection 92.2(5) (failure to provide statement within required period); or

(g) being a candidate, contravenes paragraph 92.6(a) (providing statement containing false or misleading information) or knowingly contravenes paragraph 92.6(b) (providing incomplete statement).

2000, c. 9, s. 486; 2006, c. 9, s. 56; 2007, c. 21, s. 37.

### *Offences under Part 7 (Revision of List of Electors)*

#### Offences requiring intent — summary conviction

**487.** (1) Every person is guilty of an offence who contravenes

(a) paragraph 111(b) or (c) (applying improperly to be included on list of electors); or

(b) paragraph 111(f) (unauthorized use of personal information contained in list of electors).

#### Offences requiring intent — dual procedure

(2) Every person who contravenes paragraph 111(a), (d) or (e) (forbidden acts re list of electors) is guilty of an offence.

### *Offences under Part 8 (Preparation for the Vote)*

#### Offences requiring intent — summary conviction

**488.** (1) Every person who contravenes paragraph 126(b) (unauthorized printing of ballots) is guilty of an offence.

#### Offences requiring intent — dual procedure

(2) Every person is guilty of an offence who

(a) being a printer who is authorized to print ballots, wilfully contravenes subsection 116(5) (failure to return ballots or unused ballot paper); or

(b) contravenes paragraph 126(a) (forgery of ballot), 126(c) (knowingly printing extra ballot papers), 126(d) (printing of ballot with intent to influence vote) or 126(e) (manufacture, etc., of ballot box with secret compartment).

### *Offences under Part 9 (Voting)*

#### Strict liability offences — summary conviction

**489.** (1) Every person is guilty of an offence who contravenes

(a) being an employer, subsection 132(1) (failure to allow time to vote) or 133(1) (making deductions from employees' wages for time given to vote);

(b) section 165 (prohibited use of loudspeaker); or

(c) paragraph 166(1)(b) (wearing of emblems, etc., in polling station).

#### Offences requiring intent — summary conviction

(2) Every person is guilty of an offence who

(a) contravenes subsection 143(5) (vouching for more than one elector);

(a.1) contravenes subsection 143(6) (vouch-ee acting as voucher);

(a.2) contravenes subsection 155(2) (assisting as a friend more than one elector);

(a.3) contravenes subsection 161(6) (vouching for more than one elector);

(a.4) contravenes subsection 161(7) (vouch-ee acting as voucher);

(b) being an elector, contravenes subsection 164(2) (failure to maintain secrecy);

(c) contravenes paragraph 166(1)(a) (display of campaign literature in polling place);

(d) contravenes subsection 169(5) (vouching for more than one elector); or

(e) contravenes subsection 169(6) (vouchee acting as voucher).

#### Offences requiring intent — dual procedure

(3) Every person is guilty of an offence who

- (a) being an employer, contravenes section 134 (preventing employee from using voting time);
- (b) being a friend or relative of an elector, wilfully contravenes subsection 155(4) (disclosing for whom elector voted);
- (c) being a candidate, an election officer or a representative of a candidate, contravenes subsection 164(1) (failure to maintain secrecy);
- (d) contravenes paragraph 166(1)(c) (influencing vote in polling station);
- (e) contravenes any of paragraphs 167(1)(a) to (d) (prohibited acts re ballots) or 167(2)(a) to (d) (prohibited acts re ballots or ballot box with intent to influence vote);
- (f) being a deputy returning officer, contravenes paragraph 167(3)(a) (initialling ballot with intent to influence vote); or
- (g) being a deputy returning officer, contravenes paragraph 167(3)(b) (placing identifying mark on ballot).

2000, c. 9, s. 489; 2007, c. 21, s. 38.

### *Offences under Part 10 (Advance Polling)*

#### Offences requiring intent — dual procedure

**490.** Every person is guilty of an offence who

- (a) being a deputy returning officer, wilfully contravenes subsection 174(1) (failure to permit person to vote);
- (b) being a poll clerk, wilfully contravenes subsection 174(2) (failure to record vote); or
- (c) being a deputy returning officer, contravenes section 175 (improper handling of ballot box and ballots at advance poll), being a returning officer, contravenes subsection 176(2) or (3) or, being a deputy returning officer, contravenes subsection 176(3) (failure to cross names off list of electors) with the intention of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast.

### *Offences under Part 11 (Special Voting Rules)*

#### Strict liability offences — summary conviction

**491.** (1) Every returning officer who contravenes section 275 (failure to take required measures re ballots and special ballots) is guilty of an offence.

#### Offences requiring intent — summary conviction

(2) Every person who contravenes any of paragraphs 281(a) to (f) (prohibited acts re vote under special voting rules) is guilty of an offence.

#### Offences requiring intent — dual procedure

(3) Every person is guilty of an offence who

- (a) being a deputy returning officer, contravenes any of section 212, subsections 213(1) and (4) and 214(1), section 257 and subsection 258(3) (failure to perform duties with respect to receipt of vote) with the intention of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast;
- (b) being a special ballot officer, contravenes any of subsections 267(1) and (2), section 268 and subsections 269(1) and (2) (failure to perform duties re counting of the vote) with the intention of causing the reception of



a vote that should not have been cast or the non-reception of a vote that should have been cast;

(c) being a deputy returning officer or poll clerk, contravenes subsection 276(1), being a deputy returning officer, contravenes subsection 277(1), being a poll clerk, contravenes subsection 277(2), being a deputy returning officer, contravenes subsection 277(3), being a deputy returning officer or poll clerk, contravenes subsection 278(1) or (3) or, being a deputy returning officer, contravenes section 279, (failure to perform duties re counting of the vote) with the intention of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast;

(d) contravenes paragraph 281(g) or (h) (prohibited acts re special voting rules); or

(e) contravenes paragraph 282(a) or (b) (intimidation or inducement re vote under special voting rules).

### *Offences under Part 12 (Counting Votes)*

#### *Strict liability offences — summary conviction*

**492.** (1) Every returning officer who contravenes section 292 (failure to safeguard ballot box) is guilty of an offence.

#### *Offences requiring intent — dual procedure*

(2) Every person is guilty of an offence who

(a) being a deputy returning officer, contravenes any of sections 283 to 288 (failure to perform duties re counting of the vote) with the intention of causing the reception of a vote that should not have been cast or the non-reception of a vote that should have been cast; or

(b) knowingly contravenes subsection 289(3) (premature counting of votes cast at advance poll).

### *Offence under Part 13 (Validation of Results by the Returning Officer)*

#### *Offences requiring intent — summary conviction*

**493.** Every person who wilfully contravenes subsection 296(4) (failure to appear before returning officer) is guilty of an offence.

### *Offences under Part 15 (Return of the Writ)*

#### *Offences requiring intent — dual procedure*

**494.** Every returning officer is guilty of an offence who wilfully contravenes

(a) subsection 313(1) (failure to declare candidate elected); or

(b) section 314 (failure to transmit election documents).

### *Offences under Part 16 (Communications)*

#### *Strict liability offences — summary conviction*

**495.** (1) Every person is guilty of an offence who

(a) being a candidate, a registered party or a person acting on behalf of a candidate or registered party, contravenes section 320 (failure to indicate authority for election advertising);

(b) contravenes subsection 326(1) or (2) (failure to provide election survey information) or, being a sponsor of an election survey, contravenes subsection 326(3) (failure to provide report on election survey results); or

(c) contravenes section 327 (failure to indicate survey not based on recognized statistical methods).

#### Offences requiring intent — summary conviction

(2) Every person is guilty of an offence who,

(a) being a landlord or a condominium corporation, wilfully contravenes section 322 (prohibition of election advertising posters on residential premises); or

(b) contravenes section 325 (removal of election advertising).

#### Offences requiring intent — summary conviction

(3) Every person who wilfully contravenes section 331 (inducement by foreigners) is guilty of an offence.

#### Offences requiring intent — fine only, summary conviction

(4) Every person is guilty of an offence who

(a) wilfully contravenes subsection 326(1) or (2) (failure to provide election survey information) or, being a sponsor of an election survey, wilfully contravenes subsection 326(3) (failure to provide report on election survey results);

(b) wilfully contravenes section 327 (failure to indicate survey not based on recognized statistical methods);

(c) wilfully contravenes subsection 328(2) (transmission of election survey results during blackout period);

(d) wilfully contravenes section 329 (premature transmission of election results);

(e) wilfully contravenes subsection 330(1) or (2) (foreign broadcasting);

(f) being a broadcaster, wilfully contravenes subsection 335(1) or, being a network operator, wilfully contravenes subsection 335(2) (failure to make broadcasting time available);

(g) being a broadcaster, wilfully contravenes subsection 339(3) (failure to make additional broadcasting time available) or 339(4) (failure to adjust broadcasting time) or, being a network operator, wilfully contravenes subsection 345(1) (failure to make free broadcasting time available);

(h) wilfully contravenes section 348 (failure to charge lowest rate for broadcasting time or advertising space);

(i) being a broadcaster or a network operator, fails to comply with an allocation of or entitlement to broadcasting time under this Act; or

(j) being a broadcaster or a network operator, makes available to a registered party or eligible party within the period described in subsection 335(1) more broadcasting time than is required to be made available by it to that party by an allocation under sections 337 and 338 or entitlement under section 339, without making available to each other registered party or eligible party an amount of additional equivalent broadcasting time that is based on the percentage of broadcasting time made available to it by the original allocation or entitlement.

#### Offences requiring intent — dual procedure

(5) Every person is guilty of an offence who contravenes

(a) subsection 321(1) (conducting election advertising using government means of transmission) or subsection 323(1) (conducting election advertising during blackout period); or

(b) subsection 328(1) (causing transmission of election survey results during blackout period).

## *Offences under Part 17 (Third Party Election Advertising)*

### Strict liability offences — summary conviction

- 496.** (1) Every person is guilty of an offence who, being a third party, contravenes
- (a) any of subsections 350(1) to (3) (exceeding election advertising expense limits);
  - (b) section 352 (failure to identify self in advertisement);
  - (c) subsection 353(1) (failure to register);
  - (d) section 354 (failure to appoint financial agent) or subsection 355(1) (failure to appoint auditor);
  - (e) subsection 357(3) (use of anonymous contributions) or section 358 (use of foreign contributions); or
  - (f) subsection 359(1) (failure to file election advertising report) or 359(9) (failure to provide bills or receipts on request).

### Offences requiring intent — dual procedure

- (2) Every person is guilty of an offence who, being a third party, wilfully contravenes
- (a) any of subsections 350(1) to (3) or section 351 (exceeding or circumventing election advertising expense limits);
  - (b) subsection 353(1) (failure to register); or
  - (c) subsection 359(1) (failure to file election advertising report).

## *Offences under Part 18 (Finance)*

### Strict liability offences — summary conviction

- 497.** (1) Every person is guilty of an offence who
- (a) being a registered party, contravenes section 372 (failure to provide statement of assets and liabilities or related documents);
  - (b) being a registered party, contravenes subsection 375(3) or, being a registered party or an eligible party, contravenes subsection 374.1(4), section 378, subsection 379(1) or (2) or section 380 (failure to comply with requirements re officers, chief agent, registered agents or auditor);
  - (c) being a registered party, contravenes subsection 382(1) or (4) (failure to report changes to registered party information);
  - (d) being a registered party, contravenes section 384 (failure to confirm validity of information on party);
  - (e) being a chief agent of a deregistered political party, contravenes section 392 (failure to provide financial transactions return or election expenses return or related documents);
  - (f) [Repealed, 2003, c. 19, s. 58]
  - (g) [Repealed, 2003, c. 19, s. 58]
  - (h) being a chief agent of a merging registered party, contravenes section 403 (failure to provide financial transactions return or related documents);

- (h.01) being an electoral district association, contravenes section 403.01 (failure to register);
- (h.02) being an electoral district association of a registered party, contravenes section 403.04 (financial activity during an election period);
- (h.03) being a registered association, contravenes section 403.05 (failure to provide statement of assets and liabilities or related documents);
- (h.031) being the financial agent of a registered association, contravenes section 403.051 (making erroneous declaration);
- (h.04) being a registered association, contravenes subsection 403.09(2) (failure to comply with requirements re: appointment of electoral district agent);
- (h.05) being a registered association, contravenes section 403.12, 403.13 or 403.14 (failure to comply with requirements re: appointment of financial agent or auditor);
- (h.06) being a registered association, contravenes subsection 403.16(1) (failure to report changes to registered association information);
- (h.07) being a registered association, contravenes section 403.17 (failure to confirm validity of information concerning association);
- (h.08) being the financial agent of a deregistered electoral district association, contravenes section 403.26 (failure to provide financial transactions return for fiscal period or related documents);
- (h.09) being the financial agent of a registered association, contravenes subsection 403.35(1), (2) or (4) (failure to provide financial transactions return or related documents);
- (h.1) being the financial agent of a registered association, contravenes section 403.36 (failure to forward certain contributions);
- (h.11) being the financial agent of a registered association, contravenes paragraph 403.38(b) (providing incomplete financial transactions return);
- (i) being a person or entity, contravenes subsection 404(1) (making contribution while ineligible);
- (i.1) being the chief agent of a registered party, the financial agent of a registered association, the official agent of a candidate or the financial agent of a leadership contestant or nomination contestant, contravenes subsection 404(2) (failure to return or pay amount of ineligible contribution);
- (i.2) being a registered party or an electoral district association of one, contravenes subsection 404.3(1) (making prohibited transfer);
- (i.3) being a person who is authorized to accept contributions on behalf of a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant, contravenes section 404.4 (failure to issue receipt);
- (i.4) being a person or entity, contravenes subsection 405.2(1) (circumventing contribution limit);
- (i.5) being a person or entity, contravenes subsection 405.2(2) (concealing source of contribution);
- (i.6) being an individual, contravenes section 405.3 (making indirect contributions);
- (i.7) being a person authorized under this Act to accept contributions, contravenes section 405.4 (failure to return or pay amount of contribution);
- (j) contravenes subsection 410(1) or (2) (failure to document payment);

(k) being a person authorized to pay petty expenses, contravenes subsection 411(3) (failure to provide documentation of expenditures) or 411(4) (paying excessive petty expenses);

(l) being a chief agent, contravenes subsection 423(1) (exceeding election expense limit) or, being a registered party or third party, contravenes subsection 423(2) (colluding to circumvent election expense limit);

(m) being a chief agent, contravenes section 424 (failure to provide financial transactions return or related documents);

(m.1) being a chief agent, contravenes section 424.1 (failure to provide quarterly return);

(n) being a registered agent, contravenes section 425 (failure to forward excess contributions);

(o) being a chief agent, contravenes paragraph 427(b) (providing incomplete financial transactions return);

(p) [Repealed, 2003, c. 19, s. 58]

(q) being a chief agent, contravenes section 429 (failure to provide election expenses return or related documents);

(q.01) being a chief agent, contravenes paragraph 431(b) (providing incomplete election expenses return);

(q.011) being the chief executive officer of a provincial division, contravenes subsection 435.02(5) (failure to report provincial division changes);

(q.02) being a registered party, contravenes subsection 435.04(1) or (2) (failure to inform of leadership contest or related changes);

(q.03) being a person, contravenes subsection 435.05(1) (failure to register for a leadership contest);

(q.04) being a leadership contestant, contravenes subsection 435.08(2) or section 435.11, 435.12 or 435.13 (failure to comply with requirements re: appointment of leadership campaign agent, financial agent or auditor);

(q.05) being a leadership contestant, contravenes subsection 435.15(1) or (2) (failure to report changes to leadership contestant information);

(q.06) being a leadership contestant, contravenes section 435.16 (failure to file statement of withdrawal);

(q.07) being a registered party, contravenes section 435.17 (failure to file statement of withdrawal of acceptance);

(q.08) being the financial agent of a leadership contestant, contravenes section 435.21 (failure to satisfy bank account requirements);

(q.09) being a leadership contestant or the financial agent of one, contravenes section 435.24 (failure to pay recoverable claim in timely manner);

(q.1) being the financial agent of a leadership contestant, contravenes subsection 435.3(1), (2) or (6) (failure to provide leadership campaign return or related documents);

(q.11) being the financial agent of a leadership contestant, fails to comply with a requirement of the Chief Electoral Officer under subsection 435.3(4);

(q.12) being a leadership contestant, contravenes subsection 435.3(7) (failure to send declaration re: leadership campaign return to agent);

(q.13) being the financial agent of a leadership contestant, contravenes any of subsections 435.31(1) to (3) (failure to provide return on contributions or related documents);

(q.14) being the financial agent of a leadership contestant, contravenes section 435.32 (failure to forward certain contributions);

(q.15) being the financial agent of a leadership contestant, contravenes subsection 435.35(1) or (3) (failure to provide updated financial reporting documents);

(q.16) being a leadership contestant or the financial agent of one, contravenes paragraph 435.43(b) (providing incomplete financial return);

(q.17) being the financial agent of a leadership contestant, contravenes subsection 435.45(2) or section 435.46 (failure to dispose of surplus leadership campaign funds);

(r) being an official agent, contravenes section 437 (failure to satisfy bank account requirements);

(s) being an official agent, a candidate or a person authorized under paragraph 446(c), contravenes subsection 439(2) (incurring more than maximum allowed for notice of nomination meetings) or subsection 443(1) (exceeding election expenses limit) or, being an official agent, candidate, person authorized under paragraph 446(c) or a third party, contravenes subsection 443(2) (colluding to circumvent election expense limit);

(t) being an official agent, contravenes subsection 445(1) (failure to pay recoverable claim in timely manner);

(u) being an official agent, contravenes subsection 451(1), (2), (3) or (4) (failure to provide electoral campaign return or related documents);

(u.1) being an official agent, fails to comply with a requirement of the Chief Electoral Officer under subsection 451(2.2);

(v) being a candidate, contravenes subsection 451(5) (failure to send declaration re electoral campaign return to agent);

(w) being an official agent, contravenes section 452 (failure to pay value of contribution that cannot be returned);

(x) being an official agent, contravenes section 455 (failure to provide updated electoral campaign return or related documents);

(y) being an official agent, contravenes paragraph 463(1)(b) (providing incomplete electoral campaign return);

(z) being an official agent, contravenes subsection 472(2) or section 473 (failure to dispose of surplus electoral funds);

(z.1) being a registered agent or financial agent, contravenes section 476 (improper or unauthorized transfer of funds);

(z.2) being an official agent, contravenes subsection 478(2) (failure to return unused income tax receipts);

(z.21) being a registered party or registered association, contravenes subsection 478.02(1) (failure to notify of nomination contest);

(z.22) being a nomination contestant, contravenes section 478.04 (failure to appoint financial agent);

(z.23) being a nomination contestant, contravenes section 478.06, 478.07 or 478.08 (failure to comply with requirements re: appointment of financial agent);

(z.24) being a nomination contestant, contravenes subsection 478.1(1) or (2) (failure to report changes in nomination contestant information);

(z.25) being the financial agent of a nomination contestant, contravenes section 478.12 (failure to satisfy bank

account requirements);

(z.26) being a nomination contestant or the financial agent of one, contravenes subsection 478.15(1) (exceeding nomination campaign expenses limit);

(z.27) being a nomination contestant or the financial agent of one, contravenes subsection 478.17(1) (failure to pay recoverable claim in timely manner);

(z.28) being the financial agent of a nomination contestant, contravenes subsection 478.23(1), (2) or (6) (failure to provide nomination campaign return or related documents);

(z.29) being the financial agent of a nomination contestant, fails to comply with a requirement of the Chief Electoral Officer under subsection 478.23(4);

(z.3) being a nomination contestant, contravenes subsection 478.23(8) (failure to send declaration re: nomination campaign return to agent);

(z.31) being the financial agent of a nomination contestant, contravenes section 478.24 (failure to forward certain contributions);

(z.32) being a nomination contestant, contravenes subsection 478.25(1) (failure to appoint auditor);

(z.33) being a nomination contestant, contravenes subsection 478.25(4) or (5) or section 478.26 (failure to comply with requirements re: appointment of auditor);

(z.34) being the financial agent of a nomination contestant, contravenes subsection 478.3(1) or (3) (failure to provide updated financial reporting documents);

(z.35) being the financial agent of a nomination contestant, contravenes paragraph 478.38(b) (providing incomplete financial return); or

(z.36) being the financial agent of a nomination contestant, contravenes subsection 478.4(2) or section 478.41 (failure to dispose of surplus nomination campaign funds).

#### Offences requiring intent — summary conviction

(2) Every person is guilty of an offence who

(a) being a person or entity other than an electoral district agent of a registered association, knowingly contravenes subsection 403.28(1) or (2) (paying or incurring registered association's expenses while ineligible);

(a.1) not being an electoral district agent or a registered agent, knowingly contravenes subsection 403.28(3) or 416(3) (accepting contributions while ineligible);

(a.2) not being the financial agent of a registered association, knowingly contravenes subsection 403.28(4) (accepting or making transfers while ineligible); or

(b) not being a chief agent, a registered agent or a person authorized under paragraph 446(c), knowingly contravenes section 416 (paying or incurring registered party's expenses).

#### Offences requiring intent — dual procedure

(3) Every person is guilty of an offence who

(a) being a registered party, wilfully contravenes section 372 (failure to provide statement of assets and liabilities or related documents);

(b) wilfully contravenes subsection 381(1), (1.1) or (2) (ineligible person acting as officer, chief agent,

registered agent or auditor);

(b.1) being an officer of a party, contravenes section 381.1 (officer knowing party not a political party);

(b.2) being a leader of a party, contravenes subsection 384.1(1), (3) or (4) (providing or certifying false or misleading information or making false declaration);

(b.3) being a registered party or an eligible party, contravenes subsection 384.1(2) (providing false or misleading information);

(b.4) being a member of a party, contravenes subsection 384.1(5) (making false declaration);

(c) being a chief agent of a deregistered political party, wilfully contravenes section 392 (failure to provide final transactions return or election expenses return or related documents);

(d) [Repealed, 2003, c. 19, s. 58]

(e) [Repealed, 2003, c. 19, s. 58]

(f) being a chief agent of a merging registered party, wilfully contravenes section 403 (failure to provide financial transactions returns or related documents);

(f.01) being an electoral district association, wilfully contravenes section 403.01 (failure to register);

(f.02) being an electoral district association of a registered party, wilfully contravenes section 403.04 (financial activity during an election period);

(f.03) being a registered association, wilfully contravenes section 403.05 (failure to provide statement of assets and liabilities or related documents);

(f.031) being the financial agent of a registered association, knowingly contravenes section 403.051 (making erroneous declaration);

(f.04) being a registered association, wilfully contravenes subsection 403.09(2) (failure to comply with requirements re: appointment of electoral district agent);

(f.05) being a person, wilfully contravenes subsection 403.15(1) or (2) (acting as financial agent or auditor when ineligible to do so);

(f.06) being the financial agent of a deregistered electoral district association, wilfully contravenes section 403.26 (failure to provide financial transactions return for fiscal period or related documents);

(f.07) being the financial agent of a registered association, wilfully contravenes subsection 403.35(1), (2) or (4) (failure to provide financial transactions return or related documents);

(f.08) being the financial agent of a registered association, wilfully contravenes section 403.36 (failure to forward certain contributions);

(f.09) being the financial agent of a registered association, contravenes paragraph 403.38(a) (providing financial transactions return containing false or misleading information);

(f.1) being a person or entity, knowingly contravenes subsection 404(1) (making contribution while ineligible);

(f.11) being a registered party or an electoral district association of one, wilfully contravenes subsection 404.3(1) (making prohibited transfer);

(f.12) being a person who is authorized to accept contributions on behalf of a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant, wilfully contravenes section



404.4 (failure to issue receipt);

(f.13) being an individual, wilfully contravenes subsection 405(1) (exceeding contribution limit);

(f.14) being a person or entity, knowingly contravenes subsection 405.2(1) (circumventing contribution limit);

(f.15) being a person or entity, knowingly contravenes subsection 405.2(2) (concealing source of contribution);

(f.16) being a person entitled to accept contributions under this Act, contravenes subsection 405.2(3) (knowingly accepting excessive contribution);

(f.161) being a person or entity, knowingly contravenes subsection 405.2(4) (entering prohibited agreement);

(f.162) being a person or entity, contravenes subsection 405.21(1) (soliciting or accepting contribution);

(f.163) being a person or entity, contravenes subsection 405.21(2) (collusion);

(f.17) being an individual, wilfully contravenes section 405.3 (making indirect contributions);

(f.18) being an individual, wilfully contravenes section 405.31 (exceeding cash contribution limit);

(f.19) being a person authorized under this Act to accept contributions, wilfully contravenes section 405.4 (failure to return or pay amount of contribution);

(g) being a chief agent, wilfully contravenes subsection 423(1) (exceeding election expense limit);

(h) being a registered party or a third party, knowingly contravenes subsection 423(2) (colluding to circumvent election expense limit);

(i) being a chief agent, wilfully contravenes section 424 (failure to provide financial transactions return or related documents);

(i.1) being a chief agent, wilfully contravenes section 424.1 (failure to provide quarterly return);

(j) being a registered agent, wilfully contravenes section 425 (failure to forward excess contributions);

(k) being a chief agent, contravenes paragraph 427(a) (providing financial transactions return containing false or misleading statement);

(l) [Repealed, 2003, c. 19, s. 58]

(m) being a chief agent,

(i) wilfully contravenes section 429 (failure to provide election expenses return or related documents), or

(ii) contravenes paragraph 431(a) (providing election expenses return containing false or misleading statement);

(m.01) being a registered party, wilfully contravenes subsection 435.04(1) or (2) (failure to inform of leadership contest or related changes);

(m.02) being a person, wilfully contravenes subsection 435.05(1) (failure to register for a leadership contest);

(m.03) being a person, wilfully contravenes subsection 435.14(1) or (2) (acting as financial agent or auditor when ineligible to do so);

(m.04) being a leadership contestant, wilfully contravenes section 435.16 (failure to file statement of

withdrawal);

(*m.05*) being a registered party, wilfully contravenes section 435.17 (failure to file statement of withdrawal of acceptance);

(*m.06*) being a person other than a leadership campaign agent, knowingly contravenes subsection 435.22(1) (acceptance of contribution while ineligible);

(*m.07*) being a leadership campaign agent, knowingly contravenes subsection 435.22(2) (accepting prohibited contribution);

(*m.08*) being a person or entity, knowingly contravenes subsection 435.22(3) or (4) (paying or incurring expenses for specified purposes while ineligible);

(*m.09*) being a person, knowingly contravenes subsection 435.22(5) (paying personal expenses of leadership contestant while ineligible);

(*m.1*) being the financial agent of a leadership contestant, wilfully contravenes subsection 435.3(1), (2) or (6) (failure to provide leadership campaign return or related documents);

(*m.11*) being the financial agent of a leadership contestant, wilfully fails to comply with a requirement of the Chief Electoral Officer under subsection 435.3(4);

(*m.12*) being a leadership contestant, wilfully contravenes subsection 435.3(7) (failure to send declaration re: leadership campaign return to agent);

(*m.13*) being the financial agent of a leadership contestant, wilfully contravenes any of subsections 435.31(1) to (3) (failure to provide return on contributions or related documents);

(*m.14*) being the financial agent of a leadership contestant, wilfully contravenes section 435.32 (failure to forward certain contributions);

(*m.15*) being the financial agent of a leadership contestant, wilfully contravenes subsection 435.35(1) or (3) (failure to provide updated financial reporting documents);

(*m.16*) being a leadership contestant or the financial agent of one, contravenes paragraph 435.43(a) or knowingly contravenes paragraph 435.43(b) (providing document containing false or misleading information or that is substantially incomplete);

(*m.17*) being the financial agent of a leadership contestant, wilfully contravenes subsection 435.45(2) or section 435.46 (failure to dispose of surplus leadership campaign funds);

(*n*) being a person other than an official agent, contravenes subsection 438(2) or (3) (accepting or issuing receipts for contributions), being a person or entity, other than a candidate, official agent or person authorized under paragraph 446(c), contravenes subsection 438(4) or (5) (paying or incurring electoral campaign expenses) or, being a person other than a candidate or official agent, contravenes subsection 438(6) (paying candidate's personal expenses);

(*o*) being a candidate, official agent or person authorized under paragraph 446(c), wilfully contravenes subsection 439(2) (spending more than maximum allowed for notice of nomination meetings);

(*p*) being an official agent, a candidate or a person authorized under paragraph 446(c), wilfully contravenes subsection 443(1) (exceeding election expenses limit);

(*q*) being an official agent, a candidate, a person authorized under paragraph 446(c) or a third party, contravenes subsection 443(2) (colluding to circumvent election expenses limit);

(*r*) being an official agent, wilfully contravenes subsection 451(1), (2), (3) or (4) (failure to provide electoral campaign return or related documents);

- (r.1) being an official agent, wilfully fails to comply with a requirement of the Chief Electoral Officer under subsection 451(2.2);
- (s) being a candidate, wilfully contravenes subsection 451(5) (failure to send electoral campaign return declaration);
- (t) being an official agent, wilfully contravenes section 452 (failure to pay value of excess contribution);
- (u) being an official agent, wilfully contravenes section 455 (failure to provide updated electoral campaign return or related documents);
- (v) being an official agent, contravenes paragraph 463(1)(a) or knowingly contravenes paragraph 463(1)(b) (providing electoral campaign return containing false or misleading statement or one that is incomplete);
- (w) being an official agent, wilfully contravenes subsection 472(2) or section 473 (failure to dispose of surplus electoral funds);
- (x) being a registered agent or financial agent, knowingly contravenes section 476 (unauthorized or improper transfer of funds);
- (y) being a registered party or registered association, knowingly contravenes subsection 478.02(1) (failure to notify of nomination contest);
- (z) being a person, wilfully contravenes section 478.09 (acting as financial agent when ineligible to do so);
- (z.01) being a person other than the financial agent of a nomination contestant, knowingly contravenes subsection 478.13(1) (acceptance of contribution while ineligible);
- (z.02) being the financial agent of a nomination contestant, knowingly contravenes subsection 478.13(2) (accepting prohibited contribution);
- (z.03) being a person or entity, knowingly contravenes subsection 478.13(3), (4) or (5) (paying or incurring expenses for specified purposes or paying personal expenses while ineligible);
- (z.04) being a nomination contestant or the financial agent of one, wilfully contravenes subsection 478.15(1) (exceeding nomination campaign expenses limit);
- (z.05) being a person or entity, contravenes subsection 478.15(2) (circumventing nomination campaign expenses limit);
- (z.06) being the financial agent of a nomination contestant, wilfully contravenes subsection 478.23(1), (2) or (6) (failure to provide nomination campaign return or related documents);
- (z.07) being the financial agent of a nomination contestant, wilfully fails to comply with a requirement of the Chief Electoral Officer under subsection 478.23(4);
- (z.08) being a nomination contestant, wilfully contravenes subsection 478.23(8) (failure to send declaration re: nomination campaign return to agent);
- (z.09) being the financial agent of a nomination contestant, wilfully contravenes section 478.24 (failure to forward certain contributions);
- (z.1) being a person, wilfully contravenes section 478.27 (acting as auditor when ineligible to do so);
- (z.11) being the financial agent of a nomination contestant, wilfully contravenes subsection 478.3(1) or (3) (failure to provide updated financial reporting documents);
- (z.12) being a nomination contestant or the financial agent of one, contravenes paragraph 478.38(a) or knowingly contravenes paragraph 478.38(b) (providing document containing false or misleading information

or that is substantially incomplete); or

(z.13) being the financial agent of a nomination contestant, wilfully contravenes subsection 478.4(2) or section 478.41 (failure to dispose of surplus nomination campaign funds).

#### When certain proceedings may be brought

(4) No proceedings may be commenced with respect to a failure to provide a return or other document to the Chief Electoral Officer before the expiration of the period within which an application may be made under this Act for an extension of the period within which that return or document is to be provided.

2000, c. 9, s. 497; 2003, c. 19, s. 58; 2004, c. 24, s. 21; 2006, c. 9, s. 57; 2007, c. 21, s. 39.

### *Offences under this Part (Enforcement)*

#### Offence requiring intent — dual procedure

**498.** Every person who wilfully contravenes subsection 479(4) (refusal to obey order to leave polling place) is guilty of an offence.

### *Offences under Part 21 (General)*

#### Strict liability offence — summary conviction

**499.** (1) Every person who contravenes subsection 548(1) (removal of posted election documents) is guilty of an offence.

#### Offences requiring intent — dual procedure

(2) Every person is guilty of an offence who

(a) knowingly contravenes subsection 549(3) (taking false oath) or 549(4) (compelling or inducing false oath); or

(b) being a candidate, knowingly contravenes section 550 (signing document that limits freedom of action in Parliament).

## PUNISHMENT

#### Punishment — strict liability offences

**500.** (1) Every person who is guilty of an offence under any of subsections 484(1), 486(1), 489(1), 491(1), 492(1), 495(1), 496(1), 497(1) and 499(1) is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

#### Punishment — offences requiring intent (summary conviction)

(2) Every person who is guilty of an offence under any of subsection 485(1), paragraph 487(1)(a), subsections 488(1), 489(2) and 491(2), section 493 and subsection 495(2) is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

#### Punishment — offences requiring intent (summary conviction)

(3) Every person who is guilty of an offence under any of subsections 484(2), 486(2), 495(3) and 497(2) is liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. (3.1) Every person who is guilty of an offence under paragraph 487(1)(b) is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

#### Punishment — offences requiring intent (summary conviction — fine only)

(4) Every person who is guilty of an offence under subsection 495(4) is liable on summary conviction to a fine of

not more than \$25,000.

#### Punishment — offences requiring intent (dual procedure)

(5) Every person who is guilty of an offence under any of subsections 480(1) and (2), sections 481 to 483, subsections 484(3), 485(2), 486(3), 487(2), 488(2) and 489(3), section 490, subsections 491(3) and 492(2), section 494, subsections 495(5), 496(2) and 497(3), section 498 and subsection 499(2) is liable

(a) on summary conviction, to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both; or

(b) on conviction on indictment, to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both.

#### Additional punishment — third parties

(6) Every third party that is guilty of an offence under paragraph 496(1)(a) or (2)(a) is, in addition to the punishment provided under subsection (1) or (5), liable to a fine of up to five times the amount by which the third party exceeded the election advertising expense limit in question.

2000, c. 9, s. 500; 2007, c. 21, s. 39.1.

#### Additional penalties

**501.** (1) When a person has been convicted of an offence under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, and in addition to any other punishment that may be imposed under this Act, by order direct the person to

(a) perform community service, subject to any reasonable conditions that may be specified in the order;

(a.1) if the offence results, directly or indirectly, in a financial benefit under this Act, or a contribution for which a receipt referred to in subsection 127(3) of the *Income Tax Act* was issued, pay to the Receiver General an amount that is not more than the financial benefit or contribution, as the case may be;

(b) compensate any other person who has suffered damages as a result of the commission of the offence;

(c) perform any obligation the non-performance of which gave rise to the offence; or

(d) take any other reasonable measure that the court considers appropriate to ensure compliance with this Act.

#### Additional penalties

(2) If a registered party, its chief agent or registered agent or one of its officers has been convicted of an offence referred to in subsection (3), the court may, having regard to the nature of the offence and the circumstances surrounding its commission, and in addition to any other punishment that may be imposed under this Act, by order,

(a) direct the Chief Electoral Officer to deregister the party;

(b) if it directs deregistration under paragraph (a), direct the chief agent — or another person specified by the court — to liquidate the party's assets; and

(c) if it directs liquidation under paragraph (b), direct the financial agent of each registered association — or another person specified by the court — to liquidate the registered association's assets.

#### Offences

(3) For the purposes of subsection (2), the provisions are:

- (a) paragraph 497(3)(b.2) (providing or certifying false or misleading information or making false declaration);
- (b) paragraph 497(3)(b.3) (providing false or misleading information);
- (c) paragraph 497(3)(f.07) (failure to provide financial transactions return or related documents);
- (d) paragraph 497(3)(f.161) (entering into prohibited agreement);
- (e) paragraph 497(3)(f.162) (making representation re contribution);
- (f) paragraph 497(3)(f.163) (collusion);
- (g) paragraph 497(3)(i) (failure to provide financial transactions return or related documents);
- (h) paragraph 497(3)(k) (providing financial transactions return containing false or misleading statement);
- (i) subparagraph 497(3)(m)(ii) (providing election expenses return containing false or misleading statement);  
and
- (j) paragraph 497(3)(v) (providing electoral campaign return containing false or misleading statement or one that is incomplete).

#### Documents to be provided to Chief Electoral Officer

- (4) The chief agent or specified person shall, within six months after being directed to liquidate the party's assets under subsection (2), provide to the Chief Electoral Officer
- (a) a statement — prepared in accordance with generally accepted accounting principles — of the fair market value of the party's assets and liabilities on the day of the order;
  - (b) a report by the party's auditor to the chief agent or specified person containing the auditor's opinion as to whether the statement presents, in accordance with generally accepted auditing standards, the fair market value of those assets and liabilities; and
  - (c) a declaration in the prescribed form by the chief agent or specified person concerning that statement.

#### Remittance to Receiver General

- (5) Within three months after providing the documents referred to in subsection (4), the chief agent or specified person shall remit an amount equal to any net balance of the assets over liabilities, calculated on the basis of the statement mentioned in paragraph (4)(a), to the Chief Electoral Officer who shall forward that amount to the Receiver General.

#### Liability of chief agent

- (6) The chief agent or specified person is liable for the remittance of the amount referred to in subsection (5).

#### Application to registered associations

- (7) Subsections (4) to (6) apply to the liquidation of a registered association's assets under subsection (2) and any reference in those subsections to "party" and "chief agent" shall be read as a reference to "registered association" and "financial agent" , respectively.

2000, c. 9, s. 501; 2004, c. 24, s. 22.

## ILLEGAL PRACTICES AND CORRUPT PRACTICES

### Illegal practice

**502.** (1) Every person is guilty of an offence that is an illegal practice who

(a) being a candidate or an official agent of a candidate, contravenes section 92 (publication of false statement of withdrawal of candidate);

(b) being a candidate or an official agent, contravenes subsection 330(2) (foreign broadcasting);

(c) being an official agent, a candidate or a person authorized under paragraph 446(c), wilfully contravenes section 443 (exceeding election expenses limit);

(d) being a candidate or an official agent of a candidate, commits an offence under subsection 480(1) (obstructing electoral process) or 480(2) (inciting, conspiring to act in disorderly manner);

(e) being a candidate, contravenes subsection 549(3) (taking false oath) or 549(4) (compelling or inducing false oath); or

(f) being a candidate, contravenes section 550 (signing of document that limits freedom of action in Parliament).

### Corrupt practice

(2) Every person is guilty of an offence that is a corrupt practice who

(a) being a candidate or an official agent of a candidate, contravenes section 7 (voting more than once);

(b) being a candidate or an official agent of a candidate, contravenes paragraph 43(a) (obstruction of election officer);

(c) being a candidate or an official agent of a candidate, wilfully contravenes paragraph 43(b) (impersonation of revising agent);

(d) being a candidate or an official agent of a candidate, contravenes paragraph 56(b) (making false statement to have person deleted from Register of Electors);

(e) being a candidate or an official agent of a candidate, contravenes paragraph 56(c) or (d) (forbidden acts re Register of Electors);

(f) contravenes section 89 (signing of nomination paper when ineligible);

(f.1) being a candidate, wilfully contravenes subsection 92.2(1) (accepting prohibited gift or other advantage);

(g) contravenes paragraph 111(a), (d) or (e) (forbidden acts re list of electors);

(h) contravenes paragraph 167(1)(a) (apply for a ballot under false name); or

(i) being a candidate or an official agent of a candidate, commits an offence under subsection 481(1) (offering bribe).

### Consequences of illegal, corrupt practices

(3) Any person who is convicted of having committed an offence that is an illegal practice or a corrupt practice under this Act shall, in addition to any other punishment for that offence prescribed by this Act, in the case of an illegal practice, during the next five years or, in the case of a corrupt practice, during the next seven years, after the date of their being so convicted, not be entitled to

(a) be elected to or sit in the House of Commons; or

(b) hold any office in the nomination of the Crown or of the Governor in Council.

## MISCELLANEOUS PROVISIONS

### Deregistered parties

**503.** (1) A political party that is deregistered during an election period does not commit an offence under paragraph 496(1)(a) or (2)(a) if the party, during the portion of the election period before the deregistration, has spent more than the spending limit set out in section 350.

### Eligible party

(2) An eligible party that, during the election period of a general election, does not become a registered party does not commit an offence referred to in paragraph 496(1)(a) or (2)(a) if its election advertising expenses, as of the day that it is informed under subsection 370(4) that it has not been registered, are more than the spending limit set out in section 350.

### Prior expenses applied against spending limit

(3) If subsection (1) or (2) applies, election advertising expenses incurred before the deregistration or before the day referred to in subsection (2), as the case may be, shall be applied against the spending limit set out in section 350 and, if the limit has been exceeded, the party shall not incur any additional election advertising expenses.

2000, c. 9, s. 503; 2003, c. 19, s. 59.

### Judicial proceedings and compliance agreements

**504.** In the case of judicial proceedings or a compliance agreement involving an eligible party, a registered party, a deregistered political party or an electoral district association,

(a) the party or association is deemed to be a person; and

(b) any act or thing done or omitted to be done by an officer, a chief agent or other registered agent of the party, or by an officer, the financial agent or other electoral district agent of the association within the scope of their authority to act, is deemed to be an act or thing done or omitted to be done by the party or association, as the case may be.

2000, c. 9, s. 504; 2001, c. 21, s. 24; 2003, c. 19, s. 60.

### Prosecution of third parties — groups

**505.** (1) If a third party that is a group commits an offence under section 496, the person who is responsible for the group or its financial agent commits the offence if the person or financial agent authorized, consented to or participated in the act or omission that constitutes the offence.

### Prosecution of third parties — vicarious liability

(2) For the purpose of a prosecution brought against a third party under section 496, the third party is deemed to be a person and any act or omission of the person who signed an application made under subsection 353(2) in respect of the third party or, in the absence of an application, the person who would have signed it, or their financial agent, within the scope of that person's or financial agent's authority, is deemed to be an act or omission of the third party.

### Prosecution of third party — group or corporation (\$10,000)

(3) A third party that is a group or corporation and that commits an offence under paragraph 496(1)(c) is liable on conviction to a fine of not more than \$10,000 instead of the punishment set out in subsection 500(1).

### Prosecution of third party — group or corporation (\$25,000)

(4) A third party that is a group or corporation and that commits an offence under paragraph 496(2)(b) is liable on conviction to a fine of not more than \$25,000 instead of the punishment set out in subsection 500(5).



### Deregistered party

**506.** A deregistered political party whose chief agent commits an offence under paragraph 497(1)(e) or (3)(c) is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000.

2000, c. 9, s. 506; 2003, c. 19, s. 61.

### Registered party

**507.** A registered party whose chief agent commits an offence under any of paragraphs 497(1)(l), (m), (n), (o), (q) and (q.01) and (3)(g), (i), (j) and (m) is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000.

2000, c. 9, s. 507; 2003, c. 19, s. 61.

### Evidence

**508.** In a prosecution for an offence under this Act, the written statement of the returning officer is, in the absence of evidence to the contrary, sufficient evidence of the holding of the election and of any person named in the certificate having been a candidate.

## COMMISSIONER OF CANADA ELECTIONS

### Commissioner of Canada Elections

**509.** The Chief Electoral Officer shall appoint a Commissioner of Canada Elections, whose duty is to ensure that this Act is complied with and enforced.

### Chief Electoral Officer to direct inquiry

**510.** If the Chief Electoral Officer believes on reasonable grounds that an election officer may have committed an offence against this Act or that any person may have committed an offence under any of paragraphs 486(3)(a) and (d), section 488, paragraph 489(3)(g), section 493 and subsection 499(1), the Chief Electoral Officer shall direct the Commissioner to make any inquiry that appears to be called for in the circumstances and the Commissioner shall proceed with the inquiry.

### Director of Public Prosecutions may prosecute

**511.** (1) If the Commissioner believes on reasonable grounds that an offence under this Act has been committed, the Commissioner may refer the matter to the Director of Public Prosecutions who shall decide whether to initiate a prosecution.

### Information

(2) If the Director decides to initiate a prosecution, the Director shall request the Commissioner to cause an information in writing and under oath or solemn declaration to be laid before a justice, as defined in section 2 of the *Criminal Code*.

### Search and seizure

(3) For the purposes of section 487 of the *Criminal Code*, any person charged by the Commissioner with duties relating to the administration or enforcement of this Act is deemed to be a public officer.

2000, c. 9, s. 511; 2003, c. 19, s. 62; 2006, c. 9, s. 130.

### Director's consent required

**512.** (1) No prosecution for an offence under this Act may be instituted by a person other than the Director of Public Prosecutions without the Director's prior written consent.

### Exception

(2) Subsection (1) does not apply to an offence in relation to which an election officer has taken measures under subsection 479(3).

### Proof of consent

(3) Every document purporting to be the Director's consent under subsection (1) is deemed to be that consent unless it is called into question by the Director or by someone acting for the Director or for Her Majesty.

2000, c. 9, s. 512; 2006, c. 9, s. 131.

### Commissioner may intervene

**513.** The Commissioner, where he or she considers it to be in the public interest, may take any measures, including incurring any expenses, in relation to an inquiry, injunction or compliance agreement under this Act.

2000, c. 9, s. 513; 2006, c. 9, s. 132.

### Limitation period

**514.** (1) A prosecution for an offence under this Act may be instituted at any time but not later than five years after the day on which the Commissioner became aware of the facts giving rise to the prosecution but, in any case, not later than 10 years after the day on which the offence was committed.

### Exception

(2) Despite subsection (1), if a prosecution cannot be instituted because the offender has left the jurisdiction of the court, the prosecution may be instituted within one year after the offender's return.

### Commissioner's certificate

(3) A document purporting to have been issued by the Commissioner, certifying the day on which the Commissioner became aware of the facts giving rise to a prosecution, is admissible in evidence without proof of the signature or of the official character of the person appearing to have signed the document and, in the absence of any evidence to the contrary, is proof of the matter asserted in it.

2000, c. 9, s. 514; 2003, c. 19, s. 63; 2006, c. 9, s. 59.

### Allowance of costs

**515.** (1) Any court of criminal jurisdiction before which a private prosecution is instituted for an offence against this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of the prosecution.

### Prior recognizance required

(2) A court shall not make an order under subsection (1) unless the prosecutor, before or on the laying of the information, enters into a recognizance with two sufficient sureties, in the amount of \$500, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant's costs in case of acquittal.

### Costs of defendant

(3) In case of an information by a private prosecutor for an offence against this Act, if judgment is given for the defendant, the defendant is entitled to recover from the prosecutor the costs incurred by the defendant by reason of the proceedings, which costs shall be taxed by the proper officer of the court in which the judgment is given.

## INJUNCTIONS

### Application for injunction

**516.** (1) If the Commissioner has reasonable grounds to believe that a person has committed, is about to

commit or is likely to commit an act or omission that is contrary to this Act, the Commissioner may, during an election period, after taking into account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply to a competent court described in subsection 525(1) for an injunction described in subsection (2).

#### Injunction

(2) If the court, on application by the Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed, is about to commit or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the court may issue an injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act that it appears to the court is contrary to this Act; and
- (b) do any act that it appears to the court is required by this Act.

#### Notice

(3) No injunction may be issued under subsection (2) unless at least 48 hours notice is given to each person named in the application or the urgency of the situation is such that service of notice would not be in the public interest.

## COMPLIANCE AGREEMENTS

#### Compliance agreements

**517.** (1) Subject to subsection (7), if the Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute an offence under this Act, the Commissioner may enter into a compliance agreement, aimed at ensuring compliance with this Act, with that person (in this section and sections 518 to 521 called the “contracting party”).

#### Terms and conditions

(2) A compliance agreement may contain any terms and conditions that the Commissioner considers necessary to ensure compliance with this Act.

#### Obligations of Commissioner

(3) Before entering into a compliance agreement, the Commissioner shall

- (a) advise the prospective contracting party of the right to be represented by counsel and give him or her an opportunity to obtain counsel; and
- (b) obtain the consent of the prospective contracting party to the publication of the agreement under section 521.

#### Admission of responsibility

(4) A compliance agreement may include a statement by the contracting party in which he or she admits responsibility for the act or omission that constitutes the offence.

#### Inadmissible in evidence

(5) The fact that a compliance agreement was entered into, and any statement referred to in subsection (4), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

#### Effect of compliance agreement — no referral

(6) If a matter has not yet been referred to the Director of Public Prosecutions when a compliance agreement is entered into, no such referral may be made for an act or omission that led to the agreement unless there is non-compliance with it.

### Matter that has been referred

(7) If a matter has already been referred to the Director of Public Prosecutions, whether or not a prosecution has been initiated, the Director may — if, after consultation with the Commissioner, the Director considers that a compliance agreement would better serve the public interest — remit the matter back to the Commissioner so that it may be so dealt with.

### Effect of compliance agreement

(8) When a compliance agreement is entered into, any prosecution of the contracting party for an act or omission that led to it is suspended and, unless there is non-compliance with it, the Director of Public Prosecutions may not institute such a prosecution.

### Renegotiation

(9) The Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Commissioner or contracting party at any time before it is fully executed.

### Copy to be provided

(10) The Commissioner shall provide the contracting party with a copy of a compliance agreement, without delay after it is entered into or renegotiated under subsection (9). If the matter has been referred to the Director of Public Prosecutions, the Commissioner shall also provide a copy of the compliance agreement to the Director.

2000, c. 9, s. 517; 2001, c. 21, s. 25(E); 2006, c. 9, s. 133.

### If agreement complied with

**518.** (1) If the Commissioner is of the opinion that the compliance agreement has been complied with, the Commissioner shall cause a notice to that effect to be served on the contracting party. If the matter has been referred to the Director of Public Prosecutions, the Commissioner shall also provide a copy of the notice to the Director.

### Effect of notice

(2) Service of the notice terminates any prosecution of the contracting party that is based on the act or omission in question and prevents the Commissioner from referring the matter to the Director of Public Prosecutions and the Director from instituting such a prosecution.

2000, c. 9, s. 518; 2006, c. 9, s. 134.

### If agreement not complied with

**519.** If the Commissioner is of the opinion that a contracting party has not complied with a compliance agreement, the Commissioner shall cause a notice of default to be served on the contracting party, informing him or her that, as the case may be, the Commissioner may refer the matter to the Director of Public Prosecutions for any action the Director considers appropriate or, if a prosecution was suspended by virtue of subsection 517(8), it may be resumed. If the matter has been referred to the Director of Public Prosecutions, the Commissioner shall also provide a copy of the notice to the Director.

2000, c. 9, s. 519; 2006, c. 9, s. 134.

### Dismissal of proceedings

**520.** The court shall dismiss proceedings against a contracting party if it is satisfied on a balance of probabilities that he or she has totally complied with the compliance agreement or, in the case of partial compliance and taking into account the contracting party's performance with respect to the agreement, is of the opinion that the proceedings would be unfair.

### Publication

**521.** The Commissioner shall publish, in the manner and form that he or she considers appropriate, a notice

that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

## DEREGISTRATION

### Notice to party

**521.1** (1) If the Commissioner has reasonable grounds to suspect that a registered party does not have as one of its fundamental purposes participating in public affairs by endorsing one or more of its members as candidates and supporting their election, the Commissioner shall, in writing, notify the party that it is required to show that that is one of its fundamental purposes.

### Court application

(2) If, after giving the party a reasonable opportunity to show what its fundamental purposes are, the Commissioner still has reasonable grounds to suspect that the party does not have as one of its fundamental purposes the purpose described in subsection (1), the Commissioner may apply to a court described in subsection 525(1) for an order described in subsection (3).

### Order

(3) If the court is satisfied that the party does not have as one of its fundamental purposes the purpose described in subsection (1), the court shall, by order, direct the Chief Electoral Officer to deregister the party and it may

(a) direct the chief agent — or another person specified by the court — to liquidate the party's assets; and

(b) if it directs liquidation under paragraph (a), direct the financial agent of each registered association — or another person specified by the court — to liquidate the registered association's assets.

### Onus on party

(4) The onus of satisfying the court that one of its fundamental purposes is the purpose described in subsection (1) is on the party.

### Factors

(5) In making its decision, the court shall consider all of the factors relevant to determining the party's purposes, including, as applicable, the following:

(a) the party's constitution, articles of incorporation, letters patent or by-laws or any other information that may indicate those purposes;

(b) the party's political program, annual report to members, fundraising plan, advertising material and policy statements;

(c) the nature and extent of the activities of the party and its registered associations and candidates, including the nature and extent of their involvement in electoral campaigns and any of their public statements in support of another political party or a candidate of another political party;

(d) the funds received by the party and its registered associations and candidates, their sources and how they are used by the party, including as election expenses;

(e) interactions of the party with other entities that are not recognized political parties under the laws of any province that may indicate that it is under the control, direct or indirect, of another entity or that the party is using its status as a registered party primarily for the purpose of providing financial assistance to another entity; and

(f) whether the party is a non-profit entity.

### Exemption

(6) If, in the court's opinion, the public interest and the need to ensure fairness of the electoral process warrant it, the court may, on application, exempt the party and its registered associations from the application of subsection 127(3.3) of the *Income Tax Act*. If an exemption is granted, the court may impose any conditions on the activities of the party, registered association or candidate that it considers appropriate.

#### Liquidation

(7) If a chief agent, a financial agent or a person specified by the court is, under subsection (3), directed to liquidate, they shall carry out the liquidation in accordance with subsections 501(4) to (7).

2004, c. 24, s. 23.

## PART 20 CONTESTED ELECTIONS

#### Means of contestation

**522.** (1) The validity of the election of a candidate may not be contested otherwise than in accordance with this Part.

#### No effect on rights and obligations

(2) The making of an application to contest an election does not affect any right or obligation of a candidate in that election.

#### Nul and void election

**523.** The election of a person is nul and void if, under section 65, the person was not eligible to be a candidate.

#### Contestation of election

**524.** (1) Any elector who was eligible to vote in an electoral district, and any candidate in an electoral district, may, by application to a competent court, contest the election in that electoral district on the grounds that

- (a) under section 65 the elected candidate was not eligible to be a candidate; or
- (b) there were irregularities, fraud or corrupt or illegal practices that affected the result of the election.

#### Exception

(2) An application may not be made on the grounds for which a recount may be requested under subsection 301(2).

#### Competent courts

**525.** (1) The following courts are competent courts for the purposes of this Part:

- (a) a court listed in subsection (2) that has jurisdiction in all or part of the electoral district in question; and
- (b) the Federal Court.

#### Courts

(2) For the purposes of paragraph (1)(a), the courts are

- (a) in the Province of Ontario, the Superior Court of Justice;
- (b) in the Province of Quebec, the Superior Court;

(c) in the Provinces of Nova Scotia and British Columbia, Yukon and the Northwest Territories, the Supreme Court;

(d) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench;

(e) in the Provinces of Prince Edward Island and Newfoundland, the Trial Division of the Supreme Court; and

(f) in Nunavut, the Nunavut Court of Justice.

### Rules of procedure

(3) An application shall be dealt with without delay and in a summary way. The court may, however, allow oral evidence to be given at the hearing of the application in specific circumstances.

2000, c. 9, s. 525; 2002, c. 7, s. 94(E), c. 8, s. 117.

### Security, service of application

**526.** (1) An application must be accompanied by security for costs in the amount of \$1,000, and must be served on the Attorney General of Canada, the Chief Electoral Officer, the returning officer of the electoral district in question and all the candidates in that electoral district.

### Increase of security

(2) The court may, if it considers it just, increase the amount of the security.

### Time limit

**527.** An application based on a ground set out in paragraph 524(1)(b) must be filed within 30 days after the later of

(a) the day on which the result of the contested election is published in the *Canada Gazette*, and

(b) the day on which the applicant first knew or should have known of the occurrence of the alleged irregularity, fraud, corrupt practice or illegal practice.

### Withdrawal of application

**528.** An application may not be withdrawn without leave of the court.

### Notice of appearance

**529.** Any person referred to in subsection 526(1) may, within 15 days after being served with the application, file with the court a notice of appearance if he or she wishes to take part in the proceedings.

### Evidence

**530.** In a proceeding in relation to an application, the written statement of the returning officer is, in the absence of evidence to the contrary, sufficient evidence of the holding of the election and of any person named in the certificate having been a candidate.

### Dismissal of application

**531.** (1) The court may at any time dismiss an application if it considers it to be vexatious, frivolous or not made in good faith.

### Court's decision

(2) After hearing the application, the court may dismiss it if the grounds referred to in paragraph 524(1)(a) or (b),

as the case may be, are not established and, where they are established, shall declare the election null and void or may annul the election, respectively.

#### Duties of court clerk

(3) The clerk of the court shall

(a) send copies of the decision to the persons mentioned in subsection 526(1), to any intervenor and to the Speaker of the House of Commons; and

(b) inform the Speaker of the House of Commons as to whether or not an appeal has been filed under subsection 532(1).

#### Informing House of Commons

(4) Except when an appeal is filed under subsection 532(1), the Speaker of the House of Commons shall communicate the decision to the House of Commons without delay.

#### Appeal

**532.** (1) An appeal from a decision made under subsection 531(2) lies to the Supreme Court of Canada on any question of law or fact, and must be filed within eight days after the decision was given.

#### Procedure

(2) The Supreme Court shall hear the appeal without delay and in a summary manner.

#### Copies of decision

(3) The registrar of the Supreme Court shall send copies of the decision to the persons mentioned in subsection 526(1), to any intervenor and to the Speaker of the House of Commons.

#### Informing House of Commons

(4) The Speaker of the House of Commons shall communicate the decision to the House of Commons without delay.

## PART 21 GENERAL

### REPORTS OF CHIEF ELECTORAL OFFICER

#### Polling division reports

**533.** The Chief Electoral Officer shall, 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, in the manner and form that he or she considers appropriate, a report that sets out

(a) by polling division, the number of votes cast for each candidate, the number of rejected ballots and the number of names on the final list of electors; and

(b) any other information that the Chief Electoral Officer considers relevant.

#### Report to Speaker on general election

**534.** (1) In the case of a general election, the Chief Electoral Officer shall, within 90 days after the date provided for in paragraph 57(2)(c), make a report to the Speaker of the House of Commons that sets out

(a) any matter or event that has arisen or occurred in connection with the administration of the Chief Electoral Officer's office since the last report and that he or she considers should be brought to the attention of the



House of Commons; and

(b) any measures that have been taken under subsection 17(1) or (3) or sections 509 to 513 since the issue of the writs that he or she considers should be brought to the attention of the House of Commons.

#### Report to Speaker on by-elections

(2) If there are one or more by-elections in a year, the Chief Electoral Officer shall, within 90 days after the end of the year, make a report to the Speaker of the House of Commons that sets out

(a) any matter or event that has arisen or occurred in connection with the administration of the Chief Electoral Officer's office since the last report under this section and that he or she considers should be brought to the attention of the House of Commons; and

(b) any measures that have been taken under subsection 17(1) or (3), subsection 178(2) or sections 509 to 513 in relation to each of the by-elections and that he or she considers should be brought to the attention of the House of Commons.

#### Report on proposed legislative amendments

**535.** The Chief Electoral Officer shall, 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 or her opinion, are desirable for the better administration of this Act.

#### Consultation

**535.1** The Chief Electoral Officer may, before making a report under section 534 or 535, consult the Director of Public Prosecutions on any question relating to measures taken under section 511 or 512.

2006, c. 9, s. 135.

#### Report on returning officer qualifications

**535.2** Whenever the Chief Electoral Officer, pursuant to subsection 24(1.1), prescribes the qualifications for the appointment of persons as returning officers or establishes a process for their appointment or a procedure for their removal — or modifies those qualifications, that process or that procedure in a significant manner — the Chief Electoral Officer shall report accordingly to the Speaker of the House of Commons without delay.

2006, c. 9, s. 177.

#### Submission of report to House of Commons

**536.** The Speaker of the House of Commons shall submit a report received by him or her from the Chief Electoral Officer under section 534, 535 or 535.2 to the House of Commons without delay.

2000, c. 9, s. 536; 2006, c. 9, s. 177.

#### Political financing

**536.1** After the submission to the House of Commons of a report under section 535 in relation to the first general election following the coming into force of this section, any committee of that House to which the report is referred shall, in addition to considering the report, consider the effects of the provisions of this Act concerning political financing that came into force on the same day as this section.

2003, c. 19, s. 63.1.

#### Complaints

**537.** (1) Every candidate, official agent of a candidate or leader or chief agent of a registered party or eligible party may send to the Chief Electoral Officer a statement in writing that contains any complaint with respect to the

conduct of the election or of an election officer or any suggestion as to changes or improvements in the law that the person wishes to make.

#### Inclusion in a report

(2) If the Chief Electoral Officer considers it appropriate, the Chief Electoral Officer may include in a report referred to in section 534 or 535 any document or a part or a summary of one that relates to a complaint or suggestion received under subsection (1).

## POLLING DIVISIONS

#### Minimum of 250 electors

**538.** (1) Each polling division shall contain at least 250 electors unless the Chief Electoral Officer agrees otherwise.

#### Boundaries of polling divisions

(2) Subject to subsection (3), the polling divisions of an electoral district in a general election remain the same as at the immediately preceding general election.

#### Revision

(3) The Chief Electoral Officer may instruct a returning officer to revise the boundaries of any polling division in the returning officer's electoral district, and may fix the date by which the revision shall be completed.

#### Factors

(4) The returning officer shall revise the polling divisions in accordance with the instructions of the Chief Electoral Officer, taking into account the polling divisions established by municipal and provincial authorities and the accessibility by electors to the polling stations established in them.

#### Institutions

(5) A returning officer may, with the approval of the Chief Electoral Officer, constitute polling divisions that consist of two or more institutions where seniors or persons with a physical disability reside.

## AMENDMENTS TO SCHEDULE 3

#### Amendments to list of electoral districts

**539.** (1) Subject to subsection (2), the Chief Electoral Officer may amend the list of electoral districts set out in Schedule 3 by

(a) adding to it, where the Chief Electoral Officer is of the opinion that the exigencies of restricted communication or transportation facilities require the addition for the better operation of this Act, the name of any electoral district that

(i) is described in a representation order declared under the *Electoral Boundaries Readjustment Act* to be in force, and

(ii) coincides with or includes the whole or a part of an electoral district that was set out in Schedule 3 as it read on July 15, 1971; or

(b) deleting from it the name of any electoral district referred to in subparagraph (a)(ii) that is not described in a representation order referred to in subparagraph (a)(i).

#### Time

(2) No amendment to the list of electoral districts set out in Schedule 3 may be made later than seven days after a representation order and no such amendment becomes effective until notice of it has been published in the *Canada Gazette*.

## CUSTODY OF ELECTION DOCUMENTS AND DOCUMENTS RELATING TO THE REGISTER OF ELECTORS

### Chief Electoral Officer to retain election documents

**540.** (1) The Chief Electoral Officer shall retain in his or her possession the election documents sent to him or her by a returning officer, with the return of the writ, for at least one year if the election is not contested during that time and, if the election is contested, for one year after the end of the contestation.

### Documents relating to Register of Electors

(2) The Chief Electoral Officer shall, for at least two years after receiving them, retain in his or her possession, on film or in electronic form, all documents that relate to the updating of the Register of Electors.

### Inspection of documents

(3) No election documents, or documents that relate to the establishment or updating of the Register of Electors, that are retained in the custody of the Chief Electoral Officer under subsection (1) or (2) shall, during the period of their retention, be inspected or produced except under an order of a judge of a superior court, which, if made, the Chief Electoral Officer shall obey.

### Exception

(4) Subsection (3) does not prohibit the Chief Electoral Officer, any authorized member of his or her staff or the Commissioner from inspecting the documents referred to in that subsection, and any of those documents may be produced by the Commissioner for the purpose of an inquiry made under section 510 or provided to the Director of Public Prosecutions who may produce them for the purpose of a prosecution — or possible prosecution — by the Director for an offence under this Act.

### Election documents or papers admissible in evidence when certified

(5) When a judge of a superior court has ordered the production of election documents, the Chief Electoral Officer need not, unless the judge orders otherwise, appear personally to produce them but shall certify the documents and send them by courier to the clerk or registrar of the court, who shall, when the documents have served the purposes of the judge, return them by courier to the Chief Electoral Officer.

### Certified documents

(6) Documents purporting to be certified by the Chief Electoral Officer are admissible in evidence without further proof.

### Filmed or electronic evidence

(7) In any proceedings under this Act, a print that is made from a photographic film or from a document in electronic form made by the Chief Electoral Officer for the purpose of keeping a permanent record of a document, and certified by the Chief Electoral Officer or by a person acting in the name of or under the direction of the Chief Electoral Officer, is admissible in evidence for all purposes for which the recorded document would be admitted as evidence, without proof of the signature or official character of the person appearing to have signed the certificate.

### Order of Court

(8) A judge may make an order under subsection (3) on being satisfied by evidence on oath that the inspection or production of a document referred to in that subsection is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of an application under subsection 524(1).

### Conditions of inspections

(9) An order for the inspection or production of election documents or documents that relate to the updating of the Register of Electors may be made subject to any conditions with respect to persons, time, place and mode of inspection or production that the judge considers appropriate.

2000, c. 9, s. 540; 2006, c. 9, s. 136.

#### Inspection of instructions, correspondence and other reports

**541.** (1) All documents referred to in section 403.35, 424, 429, 435.3, 435.35, 451, 455, 478.23 or 478.3, all other reports or statements, other than election documents received from election officers, all instructions issued by the Chief Electoral Officer under this Act, all decisions or rulings by him or her on points arising under this Act and all correspondence with election officers or others in relation to an election are public records and may be inspected by any person on request during business hours.

#### Extracts

(2) Any person may take extracts from documents referred to in subsection (1) and is entitled to obtain copies of them on payment of a fee of up to \$0.25 per page.

#### Evidence

(3) Any copies of documents referred to in subsection (1) purporting to be certified by the Chief Electoral Officer are admissible in evidence without further proof.

2000, c. 9, s. 541; 2003, c. 19, s. 64.

## FEES AND EXPENSES OF ELECTION OFFICERS

#### Tariff

**542.** (1) 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 and allowed to returning officers and other persons employed at or in relation to elections under this Act.

#### Effective date

(2) The Governor in Council may specify that a tariff made under subsection (1) has effect as of a day that is before the one on which it is made.

#### Copy to House of Commons

(3) A copy of a tariff made under subsection (1) and of any amendment made to one shall be laid before the House of Commons on any of the first 15 days on which that House is sitting after the making of the tariff or amendment.

#### Payment of claims

**543.** All claims that relate to the conduct of an election shall be paid by separate cheques issued from the office of the Receiver General at Ottawa and sent directly to each person who is entitled to payment.

#### Accountable advance

**544.** (1) An accountable advance may be made to an election officer to defray office and other incidental expenses in any amount that may be approved under the tariff made under subsection 542(1).

#### Preparation of accounts

(2) A returning officer shall prepare, in the prescribed form, all accounts to be submitted by the returning officer to the Chief Electoral Officer and is responsible for their correctness.

#### Increase of fees and allowances

**545.** (1) If it appears to the Governor in Council that the fees and allowances provided for by a tariff made under subsection 542(1) are not sufficient remuneration for the services required to be performed at an election, or that a claim for any necessary service performed or for materials supplied for or at an election is not covered by

the tariff, the Governor in Council may authorize the payment of any sum or additional sum for the services or materials supplied that the Governor in Council considers just and reasonable.

#### Payment of additional sums

(2) The Chief Electoral Officer may, in accordance with regulations made by the Governor in Council, in any case in which the fees and allowances provided for by a tariff made under subsection 542(1) are not sufficient remuneration for the services required to be performed at an election, or for any necessary service performed, authorize the payment of such additional sum for the services as he or she considers just and reasonable.

#### Taxation of accounts

**546.** (1) The Chief Electoral Officer shall, in accordance with the tariff made under subsection 542(1), tax all accounts that relate to the conduct of an election and transmit them without delay to the Receiver General.

#### Rights saved

(2) Despite subsection (1), the rights, if any, of claimants to compel payment or further payment by process of law remain unimpaired.

## NOTICE

#### Giving of notices

**547.** (1) When any election officer is by this Act authorized or required to give a public notice and no special mode of notification is indicated, the notice may be in the form and given in the manner established by the Chief Electoral Officer.

#### Posting of notices, etc.

(2) Notices and other documents required by this Act to be posted may be posted despite any law of Canada or of a province or any municipal ordinance or by-law.

#### Prohibition — removal of notices

**548.** (1) No person shall, without authority, remove, cover up or alter any Notice of Election or other document that is authorized or required by this Act to be posted.

#### Notice

(2) A notice that may be easily read — to the effect that it is an offence with severe penalties to remove, cover up or alter the document — shall appear on, or be posted near, a Notice of Election or other document referred to in subsection (1).

## OATHS AND AFFIDAVITS

#### Administration of oaths, etc.

**549.** (1) When an oath or affidavit is authorized or directed to be taken under this Act, it shall be administered by the person who by this Act is expressly required to administer it and, if there is no such person, then by the Chief Electoral Officer or a person designated by him or her in writing, a judge, the returning officer, an assistant returning officer, a deputy returning officer, a poll clerk, a notary public, a provincial court judge, a justice of the peace or a commissioner for taking affidavits in the province.

#### No fees for oaths, etc.

(2) All oaths or affidavits taken under this Act shall be administered free of charge.

#### Taking oath falsely

(3) No person shall take falsely an oath that is provided for by this Act.

### Compelling or inducing false oath

(4) No person shall compel, induce or attempt to compel or induce any other person to take falsely an oath that is provided for by this Act.

## SIGNED PLEDGES BY CANDIDATES PROHIBITED

### Signed pledges by candidates prohibited

**550.** No candidate shall sign a written document presented by way of demand or claim made on him or her by any person or association of persons, between the issue of the writ and polling day, if the document requires the candidate to follow a course of action that will prevent him or her from exercising freedom of action in Parliament, if elected, or to resign as a member if called on to do so by any person or association of persons.

## BY-ELECTIONS

### Notice of withdrawal of writ

**551.** If a writ is deemed to have been superseded and withdrawn under subsection 31(3) of the *Parliament of Canada Act*, the Chief Electoral Officer shall publish a notice in the *Canada Gazette* of the withdrawal of the writ and the cancellation of the election.

## FORMS

### Tabling of forms

**552.** Each form established for the purposes of paragraph 424(1)(a) or 429(1)(a) shall be laid before the House of Commons on any of the first 15 days that it is sitting after the form is made by the Chief Electoral Officer.

## PAYMENTS OUT OF CONSOLIDATED REVENUE FUND

### Amounts to be paid out of C.R.F.

**553.** The following shall be paid out of unappropriated moneys forming part of the Consolidated Revenue Fund:

- (a) any amount payable under section 15;
- (b) the remuneration paid to a person employed under section 20, any additional remuneration paid to staff referred to in subsection 19(1) for overtime work to enable the Chief Electoral Officer to exercise his or her powers and discharge his or her duties under this Act and any administration expenses that are incurred for that purpose;
- (c) any expenses incurred by the Chief Electoral Officer to acquire information referred to in paragraph 46(1)(b);
- (d) any fees, costs, allowances or expenses referred to in subsection 542(1);
- (e) any expenses incurred by the Chief Electoral Officer for preparing and printing election material and for the purchase of election supplies; and
- (f) on the certificate of the Chief Electoral Officer, any expenses incurred by, on behalf of or in relation to the Commissioner under sections 509 to 513 and 516 to 521.

## AMENDMENTS

### Application of amendments to subsequent election

**554.** (1) No amendment to this Act applies in an election for which the writ is issued within six months after the passing of the amendment unless, before the issue of the writ, the Chief Electoral Officer has published a notice in the *Canada Gazette* that the necessary preparations for the bringing into operation of the amendment have been made and that the amendment may come into force accordingly.

### Consolidation of amendments

(2) It is the duty of the Chief Electoral Officer immediately after the passing of an amendment to this Act to consolidate the amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and reprint all forms and instructions affected by it and to publish a notice in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and reprinted.

## PART 22

### TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS, REPEALS AND COMING INTO FORCE

#### TRANSITIONAL PROVISIONS

##### Statement of assets and liabilities — coming into force before July 1

**\*555.** (1) If this Act comes into force before July 1 in a year, a registered party that is registered on that coming into force shall, within six months after that coming into force, provide the Chief Electoral Officer with

- (a) a statement of its assets and liabilities, including any surplus or deficit, as of December 31 of the previous fiscal year;
- (b) a report as to whether in the registered party's auditor's opinion the statement presents fairly the information on which it is based in accordance with generally accepted accounting principles; and
- (c) a declaration in the prescribed form by the chief agent of the registered party concerning the statement.

\* [Note: Act in force September 1, 2000, see Canada Gazette Part I, Extra Volume 134, No. 6.]

##### Statement of assets and liabilities — coming into force after June 30

\*(2) If this Act comes into force after June 30 in a year, a registered party that is registered on that coming into force shall, within six months after the end of the then current fiscal year, provide the Chief Electoral Officer with a statement of its assets and liabilities, including any surplus or deficit, as of December 31 of the then current fiscal year, and the documents referred to in paragraphs (1)(b) and (c) in relation to that statement.

\* [Note: Act in force September 1, 2000, see Canada Gazette Part I, Extra Volume 134, No. 6.]

##### Financial reporting — registered parties

**\*556.** If this Act comes into force after June 30 in a year,

- (a) sections 43 to 46 of the *Canada Elections Act*, as they read immediately before the coming into force of this Act, apply in respect of the provision of documents by a registered party in relation to its financial transactions for the then current fiscal period; and
- (b) section 424 of this Act applies in respect of the provision of documents by a registered party in relation to its financial transactions for all subsequent fiscal periods.

\* [Note: Act in force September 1, 2000, see Canada Gazette Part I, Extra Volume 134, No. 6.]

## Financial reporting — merging parties

**\*557.** If this Act comes into force after June 30 in a year, sections 43 to 46 of the *Canada Elections Act*, as they read immediately before the coming into force of this Act, apply in respect of the provision of documents by merging parties in relation to their financial transactions for the portion of their then current fiscal periods before the merger takes effect and for any earlier fiscal periods for which those documents have not been provided.

\* [Note: Act in force September 1, 2000, see Canada Gazette Part I, Extra Volume 134, No. 6.]

## Electoral campaign return of candidate

**558.** For contributions made before September 1, 2000, the official agent shall include in the electoral campaign return in respect of a candidate the information referred to in paragraphs 451(2)(h) and (i), other than the addresses of the contributors.

2000, c. 9, s. 558; 2001, c. 21, s. 26.

## CONSEQUENTIAL AMENDMENTS

**559. to 572.** [Amendments]

## REPEALS

**573. to 576.** [Repeals]

## COMING INTO FORCE

### Coming into force

**\*577.** This Act comes into force six months after the day on which it is assented to unless, before that time, the Chief Electoral Officer has published a notice in the *Canada Gazette* that the necessary preparations for the bringing into operation of this Act have been made and that this Act may come into force accordingly.

\* [Note: Act in force September 1, 2000, see Canada Gazette Part I, Extra Volume 134, No. 6.]

## SCHEDULE 1 FORM 1 (Section 58)

## WRIT OF ELECTION

Deputy of the Governor General

**ELIZABETH THE SECOND**, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

To

of

GREETING:

WHEREAS, by and with the advice of OUR PRIME MINISTER OF CANADA, We have ordered a PARLIAMENT TO BE HELD AT OTTAWA, on the . . . . day of . . . . next. (*Omit the foregoing preamble in case of a by-election.*)

WE COMMAND YOU that, notice of the time and place of election being duly given,



YOU DO CAUSE election to be made according to law of a member to serve in the House of Commons of Canada for the said electoral district in the Province aforesaid (*in case of a by-election: in the place of . . . . .* . );

AND YOU DO CAUSE the closing day for the nomination of candidates to be . . . . . ;

And if a poll becomes necessary, that the poll be held on . . . . . ;

AND YOU DO CAUSE the name of that member when so elected, whether present or absent, to be certified to Our Chief Electoral Officer, as by law directed (*in case of a by-election, omit the following*) as soon as possible and not later than the . . . . day of . . . . (*year*).

**Witness:** . . . . . , Deputy of Our Right Trusty and Well-beloved . . . . . , Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, GOVERNOR GENERAL AND COMMANDER-IN-CHIEF OF CANADA.

At Our City of Ottawa, on . . . . . and in the . . . . year of Our Reign.

BY COMMAND,

Chief Electoral Officer

FORM 2  
(*Section 62*)

# NOTICE OF ELECTION



# AVIS DE CONVOCATION

of which all persons are asked to take notice and to govern themselves accordingly and in obedience to Her Majesty's writ of election directed to me for the electoral district of:

dont chacun est requis de prendre connaissance et d'agir en conséquence. En conformité avec le bref de Sa Majesté m'ordonnant de tenir une élection pour la circonscription de:

[Empty box for electoral district name]

for the purpose of electing a person to serve in the House of Commons of Canada, public notice is hereby given of the following:

d'un député pour éliger à la Chambre des communes du Canada, un avis public est par les présentes donné de ce qui suit :

NOMINATIONS OF CANDIDATES WILL BE RECEIVED BY ME BEFORE 2 P.M. ON

JE RECEVRAI LES CANDIDATURES JUSQU'À 14 HEURES L.E.

AT MY OFFICE

DATE

À MON BUREAU

DATE

IF A POLL IS GRANTED POLLING DAY WILL BE

SI UN SCRUTIN EST OCTROYÉ LE SCRUTIN SE TIENDRA

## MONDAY

## LUNDI

DATE  
HEURES

DATE  
HEURES

AT LOCATIONS TO BE PUBLISHED BY ME AT A LATER DATE.

AUX ENDROITS DONT JE DONNERAI SUBSÉQUEMMENT AVIS.

I HAVE ESTABLISHED MY OFFICE for the conduct of the election at the following location, where I shall validate the results from the statements of the vote and declare the name of the person who obtained the largest number of votes as noted.


J'AI ÉTABLI MON BUREAU pour la conduite de l'élection à l'endroit suivant où je procéderai à la validation des résultats à partir des relevés du scrutin et déclarerai le nom du candidat ayant obtenu le plus grand nombre de votes.

ADDRESS  
DATE  
TIME

ADRESSE  
DATE  
HEURE

GIVEN UNDER MY HAND

DONNÉ SOUS MON SEING

	DATE	RETOURNER À L'ADMINISTRATION DU SCRUTIN
---	------	---

OFFENCE: It is an offence with severe penalties to remove, cover up or alter this document.

INFRACTION: Quiconque enlève, recouvre ou modifie de quelque façon ce document commet une infraction entraînant des peines sévères.

FORM 3  
(Subsections 116(1) and 138(1))

FORM OF BALLOT PAPER

Front

FORM 3  
(Subsections 116(1) and 138(1))

FORM OF BALLOT PAPER

*Front*

FORMULAIRE 3  
(paragraphe 116(1) et 138(1))

FORMULAIRE DU BULLETIN DE VOTE

*Recto*

.....**DOE, John**.....

.....Independent / Indépendant.....

.....**DOE, Sandra**.....

.....Political Affiliation / Appartenance politique.....

.....**UNETELLE, Anne**.....

.....

.....**UNTEL, Pierre**.....

.....Political Affiliation / Appartenance politique.....

FORM 3 – *Concluded*

FORM OF BALLOT PAPER

*Back*

FORM 3 — *Concluded*  
FORM OF BALLOT PAPER  
*Back*

FORMULAIRE 3 (*suite et fin*)  
FORMULAIRE DU BULLETIN DE VOTE  
*Verso*

No. 1002

(*Line of perforations*)

No 1002

(*Ligne de perforations*)



CANADA

SPACE FOR INITIALS OF D.R.O.

INITIALES DU SCRUTATEUR

GENERAL ELECTION  
ELECTORAL DISTRICT OF

(*year / année*)

ÉLECTION GÉNÉRALE  
CIRCONSCRIPTION DE

POLLING DAY / JOUR DU SCRUTIN

(*date*)

Printed by: Imprimé par :

(*name and address of printer / nom et  
adresse de l'imprimeur*)

FORM 4  
(*Section 186*)

FORM OF SPECIAL BALLOT PAPER

*Front of ballot paper*

FORM 4  
(Section 186)

FORMULAIRE 4  
(article 186)

FORM OF SPECIAL BALLOT PAPER

FORMULAIRE DU BULLETIN DE VOTE

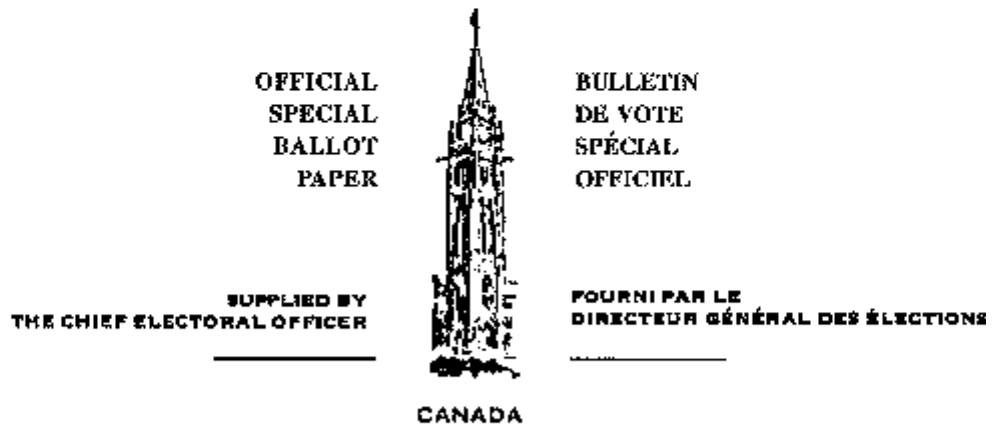
*Front of ballot paper*

*Recto du bulletin de vote*

<p>I VOTE FOR JE VOTE POUR .....</p> <p>names (or initials) and surname of candidate of your choice prénoms (ou initiales) et nom de famille du candidat de votre choix</p>
---

*Back of ballot paper*

*Verso du bulletin de vote*



Supplied by the Chief Electoral Officer, pursuant to Part 11  
of the *Canada Elections Act*.

Fourni par le directeur général des élections  
à la partie 11 de la *Loi électorale du Canada*.

SCHEDULE 2  
(Section 46)

## PROVINCIAL ACTS

Alberta

*Election Act*, R.S.A. 2000, c. E-1

*Traffic Safety Act*, R.S.A. 2000, c. T-6

*Vital Statistics Act*, R.S.A. 2000, c. V-4

#### British Columbia

*Election Act*, R.S.B.C. 1996, c. 106

*Motor Vehicle Act*, R.S.B.C. 1996, c. 318

*Vital Statistics Act*, R.S.B.C. 1996, c. 479

#### Manitoba

*The City of Winnipeg Charter Act*, S.M. 2002, c. 39

*The Elections Act*, S.M. 2006, c. 15, Sch. A

*The Highway Traffic Act*, S.M. 1985-86, c. 3

*The Municipal Councils and School Boards Elections Act*, S.M. 2005, c. 27

*The Vital Statistics Act*, R.S.M. 1987, c. V60

#### New Brunswick

*Elections Act*, R.S.N.B. 1973, c. E-3

*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17

*Vital Statistics Act*, S.N.B. 1979, c. V-3

#### Newfoundland and Labrador

*Elections Act, 1991*, S.N.L. 1992, c. E-3.1

*Highway Traffic Act*, R.S.N.L. 1990, c. H-3

*Vital Statistics Act*, R.S.N.L. 1990, c. V-6

#### Northwest Territories

*Elections and Plebiscites Act*, S.N.W.T. 2006, c. 15

*Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16

*Vital Statistics Act*, R.S.N.W.T. 1988, c. V-3

#### Nova Scotia

*Elections Act*, R.S.N.S. 1989, c. 140

*Motor Vehicle Act*, R.S.N.S. 1989, c. 293

*Vital Statistics Act*, R.S.N.S. 1989, c. 494

## Nunavut

*Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, as duplicated for Nunavut by section 29 of the *Nunavut Act*, S.C. 1993, c. 28

*Nunavut Elections Act*, S.Nu. 2002, c. 17

*Vital Statistics Act*, R.S.N.W.T. 1988, c. V-3, as duplicated for Nunavut by section 29 of the *Nunavut Act*, S.C. 1993, c. 28

## Ontario

*Election Act*, R.S.O. 1990, c. E.6

*Highway Traffic Act*, R.S.O. 1990, c. H.8

*Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

*Vital Statistics Act*, R.S.O. 1990, c. V.4

## Prince Edward Island

*Election Act*, R.S.P.E.I. 1988, c. E-1.1

*Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5

*Vital Statistics Act*, R.S.P.E.I. 1988, c. V-4.1

## Québec

*Civil Code of Québec*, S.Q. 1991, c. 64

*Election Act*, R.S.Q., c. E-3.3

*Highway Safety Code*, R.S.Q., c. C-24.2

## Saskatchewan

*The Election Act, 1996*, S.S. 1996, c. E-6.01

*The Traffic Safety Act*, S.S. 2004, c. T-18.1

*The Vital Statistics Act*, S.S. 1995, c. V-7.1

## Yukon

*Elections Act*, R.S.Y. 2002, c. 63

*Motor Vehicles Act*, R.S.Y. 2002, c. 153

*Vital Statistics Act*, R.S.Y. 2002, c. 225

## OTHER SOURCES OF INFORMATION

Canada Post Corporation's National Change of Address Database

Info-direct™ for Alberta

Public Curator (Quebec)

2000, c. 9, Sch. 2; Canada Gazette Part I, Extra Volume 134, Nos. 6, 8; Canada Gazette Part I, Extra Volume 135, No. 1; 2002, c. 7, s. 95; Canada Gazette Part I, Volume 137, page 685; Canada Gazette Part I, Volume 138, pages 283, 976, 1329; Canada Gazette Part I, Volume 142, pages 2159 to 2161.

**SCHEDULE 3**  
*(Paragraphs 66(1)(e) and (f) and section 539)*

**LIST OF ELECTORAL DISTRICTS**

*Province of Ontario*

Algoma—Manitoulin—Kapusking

Kenora

Nickel Belt

Thunder Bay—Rainy River

Thunder Bay—Superior North

Timmins—James Bay

*Province of Quebec*

Abitibi—Témiscamingue

Manicouagan

Nunavik—Eeyou

*Province of Manitoba*

Churchill

Dauphin—Swan River

*Province of British Columbia*

Cariboo—Prince George

Chilliwack—Fraser Canyon

Kamloops—Thompson

Prince George—Peace River

Skeena—Bulkley Valley

Vancouver Island North

West Vancouver—Sunshine Coast



*Province of Saskatchewan*

Battlefords—Lloydminster

Churchill River

Prince Albert

Saskatoon—Humboldt

Saskatoon—Wanuskewin

Yorkton—Melville

*Province of Alberta*

Athabasca

Lethbridge

Peace River

Westlock—St. Paul

Wetaskiwin

Wild Rose

Yellowhead

*Province of Newfoundland and Labrador*

Avalon

Bonavista—Exploits

Humber—St. Barbe—Baie Verte

Labrador

Random—Burin—St. George's

*Yukon*

Yukon

*Northwest Territories*

Western Arctic

*Nunavut*

Nunavut

2000, c. 9, Sch. 3; 2002, c. 7, s. 95; Canada Gazette Part I, Extra Volume 138, No. 5.

**RELATED PROVISIONS**

-- 2003, c. 19, s. 65:

Prior contributions

**65. A contribution made before the coming into force of this section shall not be taken into account for the purposes of subsections 404.1(1) and 405(1) of the *Canada Elections Act*, as enacted by this Act.**

-- 2003, c. 19, s. 66:

Coming into force during an election period

**66. (1) If this section comes into force during an election period, the *Canada Elections Act*, as it read immediately before the coming into force of this section, applies with respect to that election and all related obligations and rights including obligations to report and rights to reimbursement of election expenses.**

Prior elections

**(2) For greater certainty, the *Canada Elections Act*, as it read immediately before the coming into force of this section, applies with respect to any election that preceded the coming into force of this section and to all related obligations or rights including obligations to report and rights to reimbursement of election expenses.**

-- 2003, c. 19, s. 67:

Coming into force during a leadership contest

**67. If this section comes into force during a competition for the selection of the leader of a registered party, the *Canada Elections Act*, as amended by this Act, does not apply with respect to that competition.**

-- 2003, c. 19, s. 68:

Suspended party

**68. A political party whose registration is suspended immediately before this section comes into force is deregistered on the day on which it comes into force. The *Canada Elections Act*, as amended by this Act, applies with respect to the deregistration.**

-- 2003, c. 19, s. 69:

Financial reporting — registered parties

**69. (1) Despite section 66, for the fiscal period of a registered party during which this section comes into force,**

**(a) sections 424 to 427 and 429 to 431 of the *Canada Elections Act*, as amended by this Act, apply in respect of the documents that the registered party must provide in relation to that fiscal period; and**

**(b) with respect to contributions accepted by a registered party during that fiscal period and before the coming into force of this section, subsection 424(2) shall apply as if paragraphs 424(2)(a) to (c.1) of the *Canada Elections Act*, as they read immediately before the coming into force of this section, continued to be in force except that paragraph 424(2)(c) shall be applied without regard to the words “for its use, either directly or through one of its electoral district associations or a trust fund established for the election of a candidate**

endorsed by the registered party”.

#### Prior fiscal period

**(2) Sections 424 to 428 of the *Canada Elections Act*, as they read immediately before the coming into force of this section, apply with respect to the documents that a registered party must provide in relation to any fiscal period ending before the coming into force of this section.**

-- 2003, c. 19, s. 70:

#### Electoral campaign return of candidate

**70. For the electoral campaign return of a candidate filed after this section comes into force,**

**(a)** sections 451 to 456 of the *Canada Elections Act*, as amended by this Act, apply; and

**(b)** with respect to contributions accepted by a candidate before the coming into force of this section, subsection 451(2) shall apply as if paragraphs 451(2)(f) to (h.1) of the *Canada Elections Act*, as they read immediately before the coming into force of this section, continued to be in force except that paragraph 451(2)(h) shall be applied without regard to the words “either directly or through a registered party that endorses the candidate or through one of its trust funds, a trust fund established for the election of the candidate or an electoral district association”.

-- 2003, c. 19, s. 71:

#### Proportionate allowance

**71. (1) For the quarter during which this section comes into force, the allowance payable to a registered party under section 435.02 of the *Canada Elections Act*, as enacted by this Act, shall be proportionate to that part of the quarter during which that section is in force.**

#### Advance payment

**(2) The allowance payable to a registered party under section 435.02 of the *Canada Elections Act*, as enacted by section 40 of this Act, for the quarter during which this section comes into force and for any remaining quarters of the year during which it comes into force shall be estimated on the basis of the most recent general election preceding the coming into force of this section and paid within 30 days after its coming into force. Subsection 435.02(2) of the *Canada Elections Act*, as enacted by this Act, applies to that payment with any modifications that may be required.**

#### Advance payment to be taken into account

**(3) In the application of sections 435.01 and 435.02 of the *Canada Elections Act*, as enacted by this Act, any amount paid under subsection (2) in relation to a quarter shall be taken into account. A registered party that received an amount under subsection (2) for a quarter that is in excess of the amount to which it is entitled under those sections for that quarter shall without delay return to the Receiver General the amount of that excess. The Receiver General may reduce any other amount payable to the party by the amount of that excess.**

-- 2003, c. 19, s. 72:

#### Next general election

**72. For the first general election after the coming into force of this section, the reference to “50%” in subsection 435(1) of the *Canada Elections Act*, as enacted by this Act, shall be read as a reference to “60%”.**

-- 2004, c. 24, s. 25:

#### Parties to perfect registration

25. (1) A party that is registered or eligible to become registered on the day on which this Act comes into force shall, within six months after that day, provide to the Chief Electoral Officer the information described in paragraphs 366(2)(d), (f), (i) and (j) of the *Canada Elections Act*, as enacted by this Act.

#### Requirements do not apply

(2) Subsection 369(2), section 374.1, paragraph 377(2)(b.1), sections 378 and 380.1 and subsections 382(4) and 384(3) of the *Canada Elections Act*, as enacted by this Act, do not apply — until six months after the day on which this Act comes into force — in respect of a party that is registered or eligible to become registered on that day.

#### Requirements continue to apply

(3) Subsection 369(2), section 378 and subsection 382(4) of the *Canada Elections Act*, as they read immediately before the day on which this Act comes into force, continue to apply — until six months after that day — in respect of a party that is registered or eligible to become registered on that day.

-- 2004, c. 24, s. 26, as amended by 2006, c. 1, s. 1:

#### Review

26. Within two years after the coming into force of this section, the committee of the Senate that normally considers electoral matters, and the committee of the House of Commons that normally considers electoral matters, shall each undertake a comprehensive review of the amendments made by this Act and submit a report to its House containing its recommendations concerning those amendments.

-- 2006, c. 9, s. 60:

#### Transitional — Registered associations

60. Sections 403.35 and 403.36 of the *Canada Elections Act*, as they read immediately before the coming into force of this section, apply with respect to the documents that a registered association must provide in relation to the fiscal period ending after the coming into force of this section.

-- 2006, c. 9, s. 61:

#### Transitional — Candidates

61. If a candidate was, before the coming into force of this section, deemed under section 365 of the *Canada Elections Act* to have been a candidate, then section 451 of that Act, as it read immediately before the coming into force of this section, applies with respect to the documents that the official agent of the candidate must provide in relation to the election next following the coming into force of this section.

-- 2006, c. 9, s. 62:

#### Transitional — Nomination campaigns

62. If a nomination contestant was, before the coming into force of this section, deemed under section 478.03 of the *Canada Elections Act* to have been a nomination contestant, then section 478.23 of that Act, as it read immediately before the coming into force of this section, applies with respect to the documents that the financial agent of the nomination contestant must provide in relation to the nomination campaign of that contestant.

-- 2006, c. 9, s. 178:

Incumbent returning officers

**178. (1) The term of office of a returning officer who holds office immediately before the day on which this section comes into force expires on that day.**

No right to compensation

**(2) No person has any right or claim to receive compensation, damages, indemnity or any other form of relief from Her Majesty in right of Canada, or from any servant or agent of Her Majesty, by reason of ceasing to hold office pursuant to subsection (1).**

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Important Notices

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