



Written Opinions, Guidelines and Interpretation Notes

The Chief Electoral Officer issues guidelines and interpretation notes on the application of the *Canada Elections Act* (CEA) to registered parties, registered associations, nomination contestants, candidates and leadership contestants, in accordance with section 16.1 of the CEA. Before the issuance of any guideline or interpretation note, registered federal political parties and the Commissioner of Canada Elections are consulted and invited to provide comments on a draft version. Guidelines and interpretation notes provide guidance and promote consistency in the interpretation and application of the CEA. However, they are for information only and do not displace the provisions of the CEA.

Guideline: 2023-01 (September 2023)

Previous releases: 2020-06, 2018-08

This content will become a part of the *Political Financing Handbook for Registered Parties and Chief Agents*. It will be integrated into the chapters on fundraising and reporting. Parts of the guideline will also be integrated into other political financing handbooks, with necessary adaptations.

Regulated Fundraising Events

Regulated fundraising events

What is a regulated fundraising event?

A regulated fundraising event is an event that meets all these conditions:

- it is organized to financially benefit a registered party with a seat in the House of Commons (or, during a general election, a party that had a seat on dissolution) or one of its affiliated entities
- it is attended by one of these prominent people: the party leader, the interim leader, a leadership contestant or a federal Cabinet minister (minister of the Crown or minister of state)
- at least one person had to pay or contribute over \$200 to attend or to have another person attend

Note: Events held in person, online or by telephone are all potentially regulated. A prominent person is “attending” if they are present at the event in real-time. By contrast, if they are present only by prerecorded video or audio message, they are not attending the event.

It excludes the following events:

- a leadership debate
- a party or leadership convention
- a donor appreciation event at a party or leadership convention
- an event where people gave over \$200 to attend or to have another person attend but no part of these amounts was a contribution

Flowchart 1 can be used to check whether a fundraising event is regulated.

Any person can attend an event, even if they are not a Canadian citizen or permanent resident, as long as they did not make a contribution in order to attend. For example, an eligible contributor can pay to bring a foreign guest.

Note: Fundraising events organized after an election or a contest for the financial benefit of a candidate or a contestant continue to fall under these rules.

Are leadership contestants after a contest period and ministers during an election still prominent attendees?

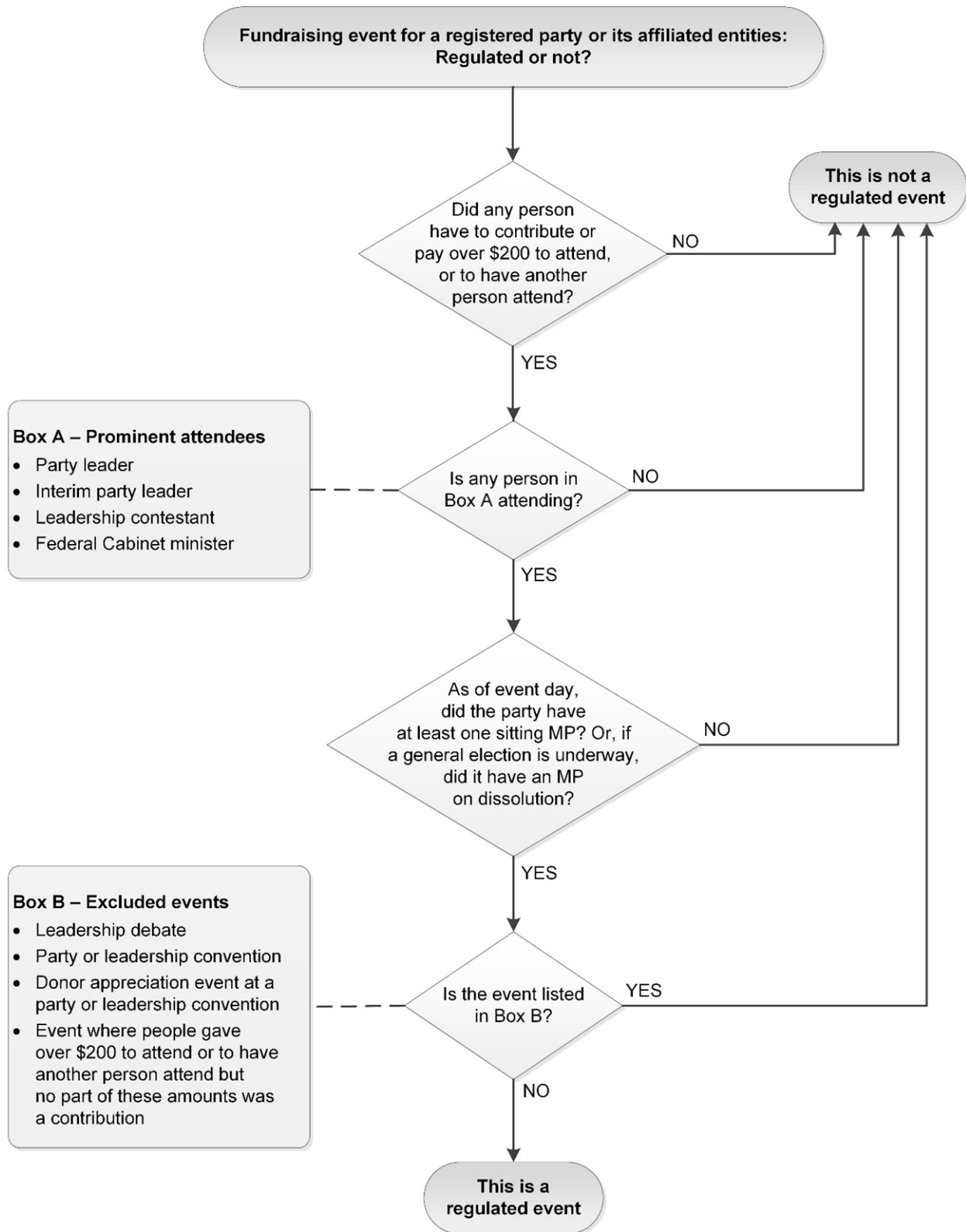
Leadership contestants continue to be contestants and prominent attendees after the contest period, until they have fulfilled their reporting obligations (for example, after they have paid their claims and loans, disposed of surplus and closed the bank account).

Leadership contestants should wait for confirmation from Elections Canada, following its review of their financial returns, that they are no longer prominent attendees.

Ministers continue to be prominent attendees during an election.

Note: A regularly updated list of leadership contestants who are prominent attendees is available on the Elections Canada website under Political Financing > View Regulated Fundraising Events.

Flowchart 1: Regulated fundraising events



Examples

1. Barbara paid the \$250 ticket price to attend a wine and cheese organized to benefit a nomination contestant. The guest of honour is a federal Cabinet minister who supports the contestant. This is a regulated fundraising event. Even though Barbara's contribution is only \$190 after the benefit is deducted, the event is still regulated because the ticket price was over \$200 and part of the payment was a contribution.
2. Mehdi paid the \$225 entrance fee to play in a baseball tournament organized to benefit a candidate. The candidate is attending but there will be no prominent attendees from the party. This is not a regulated fundraising event.
3. A leadership contestant's campaign charges \$250 for participants to join a virtual event held on a videoconferencing platform. The contestant will also be online, interacting with attendees. This is a regulated fundraising event.
4. The registered party sells tickets to its fundraising dinner for \$150 each. Jim buys a table of tickets for \$1,200 and brings his family. Even though he paid more than \$200 total for himself and his guests, no single person was required to pay over \$200 to attend. This is not a regulated fundraising event. This event would be regulated if a person had to buy a whole table.
5. A registered association is holding an end-of-year donor appreciation event for people who contributed \$1,000 or more to the association or the registered party, or in combination to both. The interim party leader will be in attendance. This is a regulated fundraising event.
6. As a thank-you to contributors, a party leader holds a teleconference with individuals who regularly contribute \$1,500 or more per year. This a regulated fundraising event.
7. The registered party has a monthly giving program that requires a minimum contribution of \$60 per year. The party hosts an event with a federal Cabinet minister. For individuals who are not part of the program, the ticket price is \$185. For individuals who are part of the program, the ticket price is \$150. This is not a regulated fundraising event because no person had to pay or contribute over \$200 to attend. Being part of the program is not a requirement to attend, it simply gives individuals a discount from the regular price of \$185.
8. During a leadership convention, the registered party holds a donor appreciation event for people who contributed \$500 or more during the year. If people have not contributed \$500, they can buy tickets for \$100 in order to attend. The party leader will be present. This is not a regulated fundraising event. This event would be regulated if tickets were sold for over \$200 or if it were not held during a convention.

Disclosure requirements for a regulated fundraising event

A regulated fundraising event is organized to benefit a registered party or one of its affiliated entities. In all cases, the party is the one responsible for disclosing the event to the public and Elections Canada.

The party may need information from organizers to meet the disclosure requirements.

If all or part of the event was organized by the registered party

Other organizers have no official role to play in providing information to the party.

If all of the event was organized by other persons or entities

Organizers have to give the party the information it needs to follow the disclosure rules. See details in the table below.

Information must be provided far enough in advance of the disclosure deadline that the party has time to publish or report on it. Parties may wish to set an internal deadline for receiving information and share it with potential organizers.

Organizers must notify the party as soon as possible about changes to the information they provide.

Note: If an event was organized by more than one political entity, they should coordinate sending information to the party.

The disclosure requirements are different for fundraising events held outside and during a general election.

| Events held outside a general election | |
|---|---|
| Notice 5 days before the fundraising event | Reporting to Elections Canada after the fundraising event |
| <p>1. Publish an event notice in a prominent place on the party website and keep it online until the event begins.</p> <p>The notice must include:</p> <ul style="list-style-type: none">• event date and time• event location, including all of the following:<ul style="list-style-type: none">– venue name (e.g. name of a commercial venue or, for a private residence, the words “private residence”)– municipality, province or territory, and postal code• name of each entity or person that the event is organized to financially benefit• name of each prominent attendee whose attendance makes the event a regulated event (e.g. party leader)• required amount of contribution or payment to attend• individual to contact for more information about the event <p>2. Send Elections Canada the <i>Notice of a Regulated Fundraising Event</i> form.</p> <p>Note: Five days’ notice means that if an event is held on a Saturday, the latest day to give notice is Monday of that week. For events held virtually, the venue name can be “online” or “teleconference.” No address needs to be provided.</p> | <p>Submit the <i>Regulated Fundraising Event Report</i> within 30 days after the event.</p> <p>The report must include:</p> <ul style="list-style-type: none">• same information required in an event notice (excluding the individual to contact for event information)• name of each person or entity that organized the event or part of it• name, municipality, province and postal code of attendees aged 18 or older (some exceptions apply*) |

Events held during a general election

Notice before the fundraising event

No notice is required.

Reporting to Elections Canada after the fundraising event

Within 60 days after election day, submit a single *Regulated Fundraising Event Report* on all events held during the election period.

For each event, the report must include:

- event date and time
- event location, including all of the following:
 - venue name (e.g. name of a commercial venue or, for a private residence, the words “private residence”)
 - municipality, province or territory, and postal code
- name of each entity or person that the event was organized to financially benefit
- name of each prominent attendee whose attendance made the event a regulated event (e.g. party leader)
- required amount of contribution or payment to attend
- name of each person or entity that organized the event or part of it
- name, municipality, province and postal code of attendees aged 18 or older (some exceptions apply*)

Note: For events held virtually, the venue name can be “online” or “teleconference.” No address needs to be provided.

*In addition to minors, attendees are not listed in the reports if they attended solely for the following purposes:

- to assist someone with a disability
- as an employee involved in organizing the event
- as part of a media organization or as a freelance journalist
- as a member of security or support staff for the prominent attendee who led to the event being a regulated event
- to provide volunteer labour

Note: For virtual events, it may be difficult to control attendance and produce an accurate list of attendees. Organizers should exercise due diligence so that an accurate report of all attendees can be filed. For example, they could advise people who sign up for an event that attendance is being published and that the link or phone number to attend is for their use only.

Examples: Event notices on a party website

1. Fundraising dinner (event name is optional)

January 1, 2023, at 7:00 p.m.
ABC Restaurant, Ottawa, ON, A0A 0A0

In support of: XYZ Electoral District Association
Featuring: the Honourable Mary Marcel
Tickets: \$250

More information: Paul Parcel at paul@xyz-eda.ca

2. Donor appreciation event* (*event name is optional*)

January 2, 2023, at 7:30 p.m.
ABC Event Space, Vancouver, BC, A0A 0A0

In support of: XYZ Party
Featuring: Sally Sorel and Gavin Gorel
Contribution: \$150–\$500

More information: Paul Parcel at 1-800-000-0000

*Other than a donor appreciation event at a party or leadership convention, which would not be a regulated fundraising event.

Updating a party website notice and correcting or revising a report to Elections Canada

After publishing an event notice on its website, if the registered party becomes aware that some of the information has changed or is incorrect, it must replace the old information on its website as soon as feasible. The party should also notify Elections Canada of the update by email (political.financing@elections.ca).

After submitting a report on an event to Elections Canada, if the registered party becomes aware that some of the information has changed or is incorrect, it must submit a corrected or revised version of the report. For details on updating reports, see **Additional reporting if corrections or revisions are required** in Chapter 13, **Reporting**, of the *Political Financing Handbook for Registered Parties and Chief Agents*.

Note: For the party website notice to be compliant, **all** the elements required for disclosure **must** appear in the notice at least five days before the event. The elements must then be adjusted as soon as feasible if the information is incorrect or has changed.

Returning contributions for non-compliance with disclosure rules

If the disclosure rules are not followed, the political entity that received monetary or non-monetary contributions in respect of the regulated fundraising event must return them to the contributor or remit their amount to Elections Canada.

Any of these circumstances may require contributions to be returned:

- outside a general election, the registered party fails to publish an event notice or notify Elections Canada about the event five days before it is held
- the registered party fails to submit a report by the deadline or extended deadline, or includes the name or address of a person excepted from the list of attendees (for example, a minor)
- an organizer fails to give the registered party information about an event in time for the party to publish an event notice or submit a report, or provides the name or address of a person excepted from the list of attendees (for example, a minor)
- an organizer fails to notify the registered party of changes to the information it provided
- the registered party fails to update an event notice on its website or a report to Elections Canada when it becomes aware of changes to the information

Where the non-compliance relates to incorrect information in an event notice or report, updating the notice or correcting the report as soon as feasible after becoming aware of the change or incorrect information will in most cases bring the party into compliance, so that contributions do not have to be returned. However, this is not the case if the event notice on the party website was missing information five days before the event.

Determining the contribution amount to return

When contributions must be returned, the amount to return to each contributor or remit to Elections Canada is the contribution received from the individual in respect of the regulated fundraising event.

Both of these amounts must be returned to the contributor or remitted to Elections Canada, where applicable:

- the contribution amount, received through a ticket sale or entrance fee, that entitled the person to attend the event (that is, the ticket price or entrance fee less the fair market value of the benefit that the person was entitled to receive)
- any contribution received from the contributor during the regulated fundraising event

See Chapter 5, **Fundraising**, of the *Political Financing Handbook for Registered Parties and Chief Agents* for information about calculating the contribution amount when benefits are received at a fundraising event.

The table below explains how different scenarios affect the return of contributions.

| Scenario | Return of contributions for a non-compliant event |
|--|---|
| Participants were entitled to attend a donor appreciation event based on a previous contribution of \$250. | The previous contributions are not returned. Only additional contributions collected during the event must be returned. |
| Participants were entitled to attend an event by paying a \$250 ticket price. | The contribution amounts from ticket sales must be returned. Any additional contributions collected during the event must also be returned. |
| An event has a mix of participants who bought a ticket, made a previous contribution or attended for free. | All contributions received from ticket sales or collected during the event must be returned, even if some participants paid \$200 or less to attend. The previous contributions are not returned. |

For the process that needs to be followed when returning contributions, see Chapter 2, **Contributions**, of the *Political Financing Handbook for Registered Parties and Chief Agents*.

Reporting

Reporting timeline

Reports in this table must be submitted to Elections Canada.

| Deadline | Mandatory document | Description | Who is responsible |
|---|---|---|--------------------|
| 5 days before a regulated event held outside a general election | <i>Notice of a Regulated Fundraising Event</i> (EC 20092) | The notice provides basic information on a regulated fundraising event held outside a general election. | Registered party |
| 30 days after a regulated event held outside a general election | <i>Regulated Fundraising Event Report</i> (EC 20093) | The report provides information on a regulated fundraising event held outside a general election, including on beneficiaries, organizers and attendees. | Chief agent |
| 60 days after election day | <i>Regulated Fundraising Event Report</i> (EC 20093) | The report provides information on all regulated fundraising events held during a general election, including on beneficiaries, organizers and attendees. | Chief agent |

Additional reporting if corrections or revisions are required

The chief agent may become aware of a need to correct or revise a *Regulated Fundraising Event Report* that has been submitted. The chief agent has to apply to Elections Canada for authorization to file an amended report, using the *Request for Amendment* form. An amended report must be submitted within 30 days after the correction or revision is authorized.

Requesting a filing deadline extension

If the registered party is not able to submit the *Regulated Fundraising Event Report* by the deadline, the chief agent may apply to submit the report within an extended period. The application must be received by Elections Canada no later than two weeks after the filing deadline.

Note: Only a judge may grant an extension requested more than two weeks after the deadline has passed.

Elections Canada will grant an extension unless the chief agent's failure to provide the document was deliberate or was the result of a failure to exercise due diligence.

If Elections Canada refuses to authorize an extension for the original submission of the report, or if the chief agent is unable to file the report within the extended period, the chief agent may apply to a judge for an extension.

Registered party reports—extension requests

| Document to submit | Extension from Elections Canada | Additional extension from Elections Canada | Extension from a judge |
|--|---------------------------------|--|------------------------|
| <i>Regulated Fundraising Event Report</i> | | | |
| Original submission | Yes | No | Yes |
| Corrected or revised, as requested by the party | Yes | Yes | Yes |

Note: The *Canada Elections Act* does not allow for extensions on publishing an event notice or notifying Elections Canada of a regulated fundraising event held outside a general election.