

Proposed Amendments to Bill C-50 Presented by the Acting Chief Electoral Officer (CEO) to the Standing Committee on Procedure and House Affairs on October 3, 2017

Amendments to Bill C-50 Recommended by the Acting CEO				
C-50 Clause(s)	New CEA¹ Provision(s)	C-50 Proposal	Analysis	Proposed Amendments
2	384.2(1) 384.2(4)	The provision requires parties to post fundraiser information (e.g. date, time and place) online five days prior to the event.	There is no mechanism to notify the CEO of upcoming fundraisers to enable Elections Canada to track when reports are required.	The provision should require CEO notification of upcoming regulated fundraising events.
2	384.3	Proposed s. 384.2(6) requires organizers to update the party on any changes as soon as feasible for publication purposes, but no corresponding requirement has been included for reporting purposes.	Reports may be incomplete or erroneous if organizers are not required to update the party on any changes made regarding event reporting.	To enhance transparency, a clear requirement for organizers to advise the party as soon as possible of any changes to information provided should be added to s. 384.3. That corrected information can then be provided to Elections Canada by the party.
2	384.5	This provision mostly mirrors the existing framework for financial return corrections, revisions or reporting time extensions.	Contrary to other financial returns, the CEO will not be able to request material corrections or revisions to a fundraiser report.	For consistency, the provision should be amended to enable CEO corrections or revisions. A corresponding offence for failures to correct or report should also be included.
9	497.01	C-50 proposes new strict liability offences, mostly directed at failures to publish or report.	Unlike the case for most reports or returns under the CEA, there is no prohibition and corresponding offence for filing a false, misleading or incomplete fundraiser report. Furthermore, there are no offences requiring intent.	Clause 9 should provide for filing a false, misleading or incomplete report. Offences could also be added requiring intent.
2	384.3(1), (6) and (8)	C-50 obliges a party's chief agent to report to the CEO within 30 days of a fundraiser. If the event occurs during a GE period, then a single report	Most other financial reporting provisions separate the obligation to file from the filing deadline. Combining both obligations in one provision will	The obligation to report should be severed from the reporting deadline, so that each obligation is covered under a separate provision.

¹ Canada Elections Act, S.C. 2000, c. 9.

Amendments to Bill C-50 Recommended by the Acting CEO

C-50 Clause(s)	New CEA ¹ Provision(s)	C-50 Proposal	Analysis	Proposed Amendments
		covering all such fundraisers is due within 60 days after polling day.	create enforcement difficulties.	
3 and 7	<p>Clause 3: 476.02(1)(a) and (b)</p> <p>Clause 7: 478.02(1)(a) and (b)</p>	These provisions define leadership and nomination contest expenses.	<p>These definitions are overbroad, in that in each case they include expenses used to promote or oppose other political entities, i.e. registered parties or candidates, in addition to the nomination or leadership contestant.</p> <p>If one entity could spend money promoting another entity and have it counted as its own expense, the spending limits could be defeated. In addition, the same expenditure might need to be recorded as an expense for two different entities. It is important to keep the various entities' expenses separate.</p>	To remove any possible confusion, amendments should be made to clarify that nomination contest expenses are only those that promote or oppose a nomination contestant, and leadership contest expenses are only those that promote or oppose a leadership contestant. This would reflect Elections Canada's interpretation and approach to such expenses.