



Written Opinions, Guidelines and Interpretation Notes

The Chief Electoral Officer issues guidelines and interpretation notes on the application of the *Canada Elections Act* to registered parties, registered associations, nomination contestants, candidates and leadership contestants, in accordance with section 16.1 of the Act. 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 Act. However, they are for information only and do not displace the provisions of the Act.

Guideline: 2018-08 – Draft (October 2018)

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.

Regulated Fundraising Events

Regulated fundraising events

What is a regulated fundraising event?

A regulated fundraising event is an event that:

- is organized to financially benefit a registered party with a seat in the House of Commons or one of its affiliated entities
- 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 a guest attend

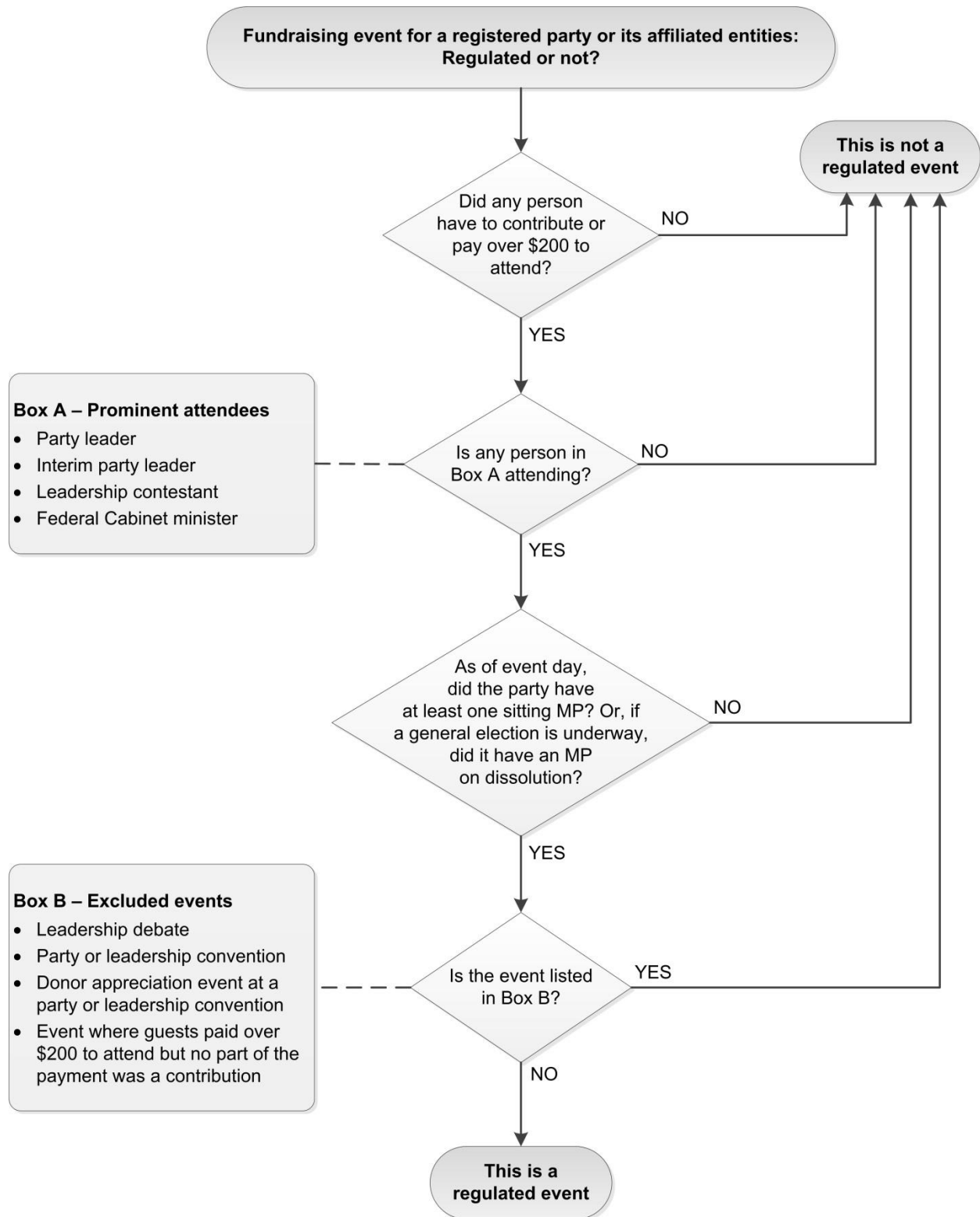
It excludes the following events:

- a leadership debate
- a party or leadership convention
- a donor appreciation event at a party or leadership convention
- an event where guests paid over \$200 to attend but no part of the payment was a contribution

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

Note: Leadership contestants continue to be contestants and prominent attendees after the contest period, until they have paid their campaign debts and fulfilled all their reporting obligations.

Flowchart 1: Regulated fundraising events



Examples

1. Barbara paid \$500 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.
2. Mehdi paid \$225 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. 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.
4. 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 local candidate. The interim party leader will be in attendance. This is a regulated fundraising event.
5. 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 meeting the disclosure requirements. If the party organized no part of the event, organizers must send information to the party so that it can follow the rules.

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

Events held outside a general election	
<p>Notice 5 days before the fundraising event</p> <ol style="list-style-type: none"> 1. Publish an event notice in a prominent place on the party website and keep it online until the event begins. The notice must include: <ul style="list-style-type: none"> • event date, time and location • 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 • person to contact for more information about the event 2. Send Elections Canada the <i>Notice of a Regulated Fundraising Event</i> form. <p>Note: If corrections are required, make them as soon as possible by replacing the old information on the website with the new information. Please also notify Elections Canada of the changes.</p>	<p>Reporting to Elections Canada after the fundraising event</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 a contact person) • 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	
<p>Notice before the fundraising event</p> <p>No notice is required.</p>	<p>Reporting to Elections Canada after the fundraising event</p> <p>Within 60 days after election day, submit a single <i>Regulated Fundraising Event Report</i> on all events held during the election period.</p> <p>For each event, the report must include:</p> <ul style="list-style-type: none"> • event date, time and location • 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*) <p>Note: The party should ask organizers to provide information well before the disclosure deadline so that the party can comply with the rules. If an event was organized by more than one political entity, they can coordinate sending information to the party. Organizers must notify the party as soon as possible about changes to the information they provide.</p>

*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

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 as part of the regulated fundraising event must return them to the contributor or remit them to Elections Canada.

Any of these circumstances will 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
- 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
- an organizer fails to notify the registered party of changes to the information it provided
- the registered party fails to update an event notice or report when it becomes aware of changes to the information

For more information on 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, unless otherwise noted.

Deadline	Mandatory document	Description	Who is responsible
5 days before a regulated event held outside a general election	Notice of Regulated Fundraising Event (EC 20092)	The notice provides basic information on a regulated fundraising event held outside a general election.	Chief agent
30 days after a regulated event held outside a general election	Regulated Fundraising Event Report (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	Regulated Fundraising Event Report (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.