



## 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.

### Interpretation Note: 2022-04 (April 2023)

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## *Disclosing the Location of a Regulated Fundraising Event*

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### Issue

Regulated fundraising events are a specific category of event in the *Canada Elections Act* (CEA). They feature prominent politicians, such as a party leader, and require enhanced disclosure. According to the CEA, a registered party must indicate the “location” of a regulated fundraising event in a notice posted on its website before the event (except for events held during a general election) and in a report submitted to Elections Canada after the event. Registered parties have generally provided a precise location, including the venue name. However, for security reasons, a party questioned whether the municipality and province or territory would suffice.

This interpretation note considers the level of precision required when disclosing the location of regulated fundraising events in notices on a party’s website and in reports to Elections Canada.

### Interpretation

- (1) In notices on a registered party’s website for events held outside a general election and in reports to Elections Canada for all events, the event’s venue must be disclosed as the location.
- (2) For events held in person, the venue information comprises 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
- (3) For events held virtually, the venue name can be the word “online” or “teleconference,” as the case may be. No address needs to be provided.

## Legal Framework

The most relevant provisions of the CEA in this context are as follows.

### Notice

- If a registered party or one of its affiliated entities organizes a regulated fundraising event, the registered party must publish certain information in a prominent location on its website no later than five days before the event takes place. (ss. 384.2(1), 384.2(3))
- The information to be published is the following:
  - the date, time and location of the regulated fundraising event
  - the name of each entity or person for whose financial benefit the event is organized
  - the name of each prominent person (party leader, interim leader, leadership contestant or federal Cabinet minister) who will be attending
  - the contribution amount or ticket price to attend
  - the contact information of an individual who may be contacted and from whom further information about the event may be obtained. (s. 384.2(2))
- A registered party that must publish a notice on its website must also notify Elections Canada of the regulated fundraising event no later than five days before the event. (s. 384.2(4.1))
- The requirement to publish a notice and notify Elections Canada does not apply to an event that takes place during the election period of a general election. (s. 384.2(8))

### Report

- If a regulated fundraising event is held, the registered party's chief agent must submit a report on the event to Elections Canada. This requirement applies during or outside a general election. (ss. 384.3(1), 384.3(4), 384.3(9))
- Among other information, the report must include the date, time and location of the event. (s. 384.3(2))
- For an event held outside a general election, the report must be provided within 30 days after the event. (s. 384.3(6.1))
- For all events held during a general election, the report must be provided within 60 days after election day. (s. 384.3(8.1))
- Elections Canada must publish reports on regulated fundraising events as soon as feasible after receiving them, in the manner that it considers appropriate. (s. 384.3(13))

## Background

The provisions relating to regulated fundraising events were added to the CEA in 2018 by Bill C-50 (S.C. 2018, c. 20). 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<sup>1</sup>

The intent of the regime is to require political parties represented in the House of Commons to “advertise in advance and, after, report on all fundraisers attended by federal Cabinet ministers, party leaders and leadership contestants when more than \$200 per person is necessary to participate.”<sup>2</sup> For events held outside a general election, a notice with the event’s “location” must be published on the party’s website at least five days before the event.

In the reporting forms and instructions<sup>3</sup> that it created in 2018, Elections Canada interpreted the location that parties need to disclose as a precise location. It was the venue name along with the municipality, province or territory, and postal code. (A venue name was requested instead of a street address, since the CEA uses the word “location” instead of “address” in these provisions.)

In 2020, the agency added a detail to the form instructions on request of a registered party. With evolving COVID-19 restrictions in public places, more events were being held in private residences. As part of its rapid pandemic response, Elections Canada instructed registered parties to enter “private residence” as the venue name, where this was appropriate, along with the municipality, province or territory, and postal code.

Most recently, in spring 2022, a registered party informed Elections Canada of a security issue that it tied to the disclosure in advance of an event’s commercial venue. A prominent member of the party was advised not to attend and cancelled their appearance.<sup>4</sup> This incident followed numerous reports in recent years of security concerns involving politicians across the political spectrum. For example, during the 2021 general election, there was an increase of incidents ranging from “vandalism to assault.”<sup>5</sup> In summer 2022, members of Parliament were issued panic buttons due to a “rising concern about harassment of Parliamentarians.”<sup>6</sup>

The current situation has prompted Elections Canada to examine whether, as suggested by a registered party, disclosing only the municipality and province or territory would be sufficient to meet the “location” requirement in a notice on a party’s website.

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<sup>1</sup> Some exclusions apply. For the complete definition, see Elections Canada’s guideline 2020-06, [Regulated Fundraising Events](#) (November 2020).

<sup>2</sup> Canada. Democratic Institutions. (2017) [Frequently Asked Questions: Making Political Fundraising More Open and Transparent](#). Accessed June 27, 2022.

<sup>3</sup> The forms are [Notice of a Regulated Fundraising Event](#) (EC 20092) and [Regulated Fundraising Event Report](#) (EC 20093). In contrast to the notice published on a party’s website and the report after the event, the contents of the notice submitted to Elections Canada (form EC 20092) are not prescribed by law.

<sup>4</sup> Rabson, Mia. [“Trudeau cancelled BC appearance after RCMP warned protest could escalate: source.”](#) CTV News, May 25, 2022.

<sup>5</sup> Tunney, Catherine. [“Between violence and vandalism, the parties are experiencing a very ugly campaign.”](#) CBC News, Sept. 17, 2021.

<sup>6</sup> Woolf, Marie. [“MPs get panic buttons to boost security, after Marco Mendicino reveals he received death threats.”](#) National Post, June 20, 2022.

## Analysis and Discussion

### Legislative objective of transparency

When Bill C-50 was introduced, a primary objective was to increase the overall transparency around so-called cash-for-access events. A key element was transparency for the media, who have an interest in reporting on fundraisers attended by prominent politicians and who in turn keep the public informed. The registered party's obligation to publish a notice of the event on its website (including the event "location" and a contact person) aims, in part, to "give journalists the ability to determine when and where fundraisers are happening" with enough time to decide on possible coverage.<sup>7</sup>

When a party has to publish a notice on its website, it must also provide a notice to Elections Canada. No notice is required for events held during a general election. However, this may be because prominent politicians' activities are usually well advertised during a campaign.

As another layer of transparency, whether a regulated fundraising event is held outside or during a general election, the party must submit a report to Elections Canada after the event. In addition to information from the notice, this report must include a list of everyone who attended (with the exception of minors, volunteers, journalists and certain other workers) along with their partial addresses (municipality, province or territory, and postal code). By law, this report is published on Elections Canada's website.

### Meaning of "location"

Given the legislative objective identified above, it is necessary to consider how possible interpretations of "location" tie in with transparency. In its plain meaning, "location" can range from precise coordinates to a region where something is happening.

According to the parliamentary record, a more precise meaning of "location" seems to have been intended. Speaking in the House of Commons at second reading, the minister responsible said that the party's website notice required by Bill C-50 would allow Canadians to know "**exactly where and when** a fundraiser is happening."<sup>8</sup> [emphasis added] The legislation requires parties to give notice not only of the event date and location but also the "time," pointing to the precise nature of the disclosure.

Were a registered party to post only the municipality and province or territory of an event on its website, the public and journalists would have to communicate with the contact person listed in the notice to know the precise location. A concern is that parties might not disclose the location to all people with a legitimate interest in the event, or they might not disclose the location in a timely fashion.

Elections Canada's view is that a registered party must, therefore, provide more than a municipality and province or territory as the location. While the agency acknowledges that the security risks are real, it is difficult to interpret the wording and intent of the legislation as asking for less than the venue name, municipality, province or territory, and postal code.

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<sup>7</sup> Gould, Karina. Speech to the Standing Committee on Procedure and House Affairs. House of Commons. *Evidence* No. 070, 1st Session, 42nd Parliament, [September 28, 2017](#).

<sup>8</sup> Gould, Karina. Speech to the House of Commons. *Hansard* No. 190, 1st Session, 42nd Parliament, [June 8, 2017](#).

For events held in a private residence, Elections Canada’s position is that the venue name should continue to be the words “private residence.” This reduces privacy concerns by preventing the host’s name from being advertised beside their partial address (municipality, province or territory, and postal code) in a prominent place on a party’s website. The host’s name and partial address will appear in the list of attendees in the report published after the event.<sup>9</sup> It is worth noting that, as pandemic restrictions have lessened, very few events—only 1 of 40 to date in 2022<sup>10</sup>—have been held in private residences.

It is also possible for political entities to host regulated fundraising events virtually. For such events, the venue name can be the word “online” or “teleconference,” as the case may be. No address needs to be provided. Note that, while virtual events made up 90% of regulated fundraising events in 2021 when many pandemic restrictions were in place, they have made up only 4% of events to date in 2022.<sup>11</sup>

## Conclusion

The regime for regulated fundraising events was created with the goal of making so-called cash-for-access events transparent. While Elections Canada shares the security concerns of registered parties, the legislation as debated and enacted suggests that the venue must be specified in a registered party’s website notices and reports on these events. Parliament may wish to consider amending the legislation to address emerging security concerns in this area.

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<sup>9</sup> This corresponds to the information about individuals who contribute over \$200 that is published on the Elections Canada website.

<sup>10</sup> Calculated using data from Elections Canada’s [Regulated Fundraising Events Registry](#) as of November 24, 2022.

<sup>11</sup> Ibid.