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Registration of Federal Political Parties

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Registration of Federal Political Parties

This text provides a summary of the requirements for registration and for the maintenance of registration, but it does not replace the relevant provisions of the *Canada Elections Act*. In all cases requiring interpretation of the law, reference should be made to the *Canada Elections Act*.

History

Candidates for election to the House of Commons have been affiliated with political parties since Confederation. It is little known, however, that the party affiliation of candidates was not included on the ballot paper until by-elections held in 1971, following amendments to the *Canada Elections Act* in 1970.

Since 1974, political parties have had the option of registering with the Chief Electoral Officer. Registration confirms their responsibility for full disclosure of political contributions and expenditures. Some registration requirements have been further amended by the implementation of Bill C-114 in 1993.

What is a political party?

For the purpose of this text, a political party is a group of people who share a common political ideology and who together establish a constitution, elect a leader and other officers, and nominate candidates for election to the House of Commons.

Forming a federal political party and registering a political party are two different things. There is no legislation regulating the formation of federal political parties. Once a political party exists, however, it may apply to be registered under the *Canada Elections Act*.

Applying for registration

Sections 24 to 32 of the *Canada Elections Act* govern the registration of political parties. The application for registration must be signed by the leader of the party and be filed with the Chief Electoral Officer of Canada. The following information is required:

- the full name of the party
- the short form of the party name or the abbreviation, if any, of the party name to be shown on election documents



Elections Canada • Communications
1595 Telesat Court - 1595, cour Télésat • Ottawa Canada K1A 0M6

*The non-partisan agency responsible for the conduct of federal elections
L'organisme non partisan chargé de la conduite des élections fédérales*

- the name and address of the leader of the party
- the address of the office of the party where records are maintained and to which correspondence may be addressed
- the names and addresses of the officers of the party
- the name and address of the chief agent of the party
- the names, addresses and signatures of 100 qualified electors who are members of the party
- the name and address of the person who has been appointed auditor of the party accompanied by a statement in writing, signed by that person, indicating acceptance of the appointment
- the party logo (optional)

The auditor of the party must be a member in good standing of any corporation, association or institute of professional accountants. The auditor may also be a firm of professional accountants. Certain election officials are not eligible to act either as auditor or chief agent of a registered party. Similarly, candidates, official agents, returning officers, assistant returning officers, deputy returning officers and registered party agents are not eligible to act as auditor of a party.

An application for registration can be withdrawn at any time prior to the registration becoming effective by sending a request to the Chief Electoral Officer, signed by the leader of the party.

How is an application verified?

The Chief Electoral Officer verifies an application by sending a questionnaire to the persons listed on the application, to ensure that they are in fact members of the party, qualified electors, and that they did sign the application. (It is strongly recommended that more than the required number of names be provided, since not all members who originally signed the application respond to the Elections Canada questionnaire.)

After verification, the Chief Electoral Officer informs the leader of the political party whether it can be registered. The names of political parties accepted for registration are entered in the Registry of Registered Political Parties at Elections Canada and are published in the *Canada Gazette*.

If a party's name, short form, abbreviation or logo so nearly resembles that of a registered political party or political party that has already applied to be registered, that it is likely to cause confusion, the Chief Electoral Officer would inform its leader that it cannot be registered. In addition, a party cannot be registered if its name includes the word *independent*. When a party cannot be registered, its application ceases to be valid.

On application signed by the leader of a registered political party, or of a party that has been accepted to be registered, the Chief Electoral Officer may vary the name, short form, abbreviation or logo of the party in the registry to any other acceptable version. This application must be accompanied by a certified copy of the resolution to change the name, short form, abbreviation or logo.

The change is effective on the date that the Chief Electoral Officer received the application. Where the application is made during an election, the change is effective on the day immediately following the day fixed for the return of the writs.

When does registration take effect?

In general, the registration of a political party whose application has been accepted takes effect the day after the party officially nominates candidates in at least 50 electoral districts at a general election. When an application is filed less than 60 days before the writs are issued, registration cannot take effect for the forthcoming general election.

What are the benefits of registration?

While a political party remains registered, it enjoys the following benefits:

- The party may issue official receipts, which may give rise to a tax credit for contributions received.
- Candidates endorsed by the party may indicate their party affiliation on the ballot at a federal election.
- The party may incur election expenses.
- Candidates endorsed by a registered party may transfer their surplus funds to the local association of the party or to the national party. All other candidates are required to return any funds to the Receiver General for Canada.
- Following a general election and after Elections Canada has received the party's election expense return and auditor's report, the party may qualify for a reimbursement. It is entitled to a refund of 22.5% of its election expenses, as long as the election expenses of the party exceed 10% of its election expenses limit.
- Finally, registered political parties are entitled at a general election to receive free broadcasting time from network operators, and to purchase broadcasting time from every broadcaster.

The above benefits are withdrawn if a political party fails to maintain its registration as required by the *Canada Elections Act*.

What are the obligations associated with registration?

Any party whose registration is in effect or whose leader has been notified that the party has been accepted to be registered assumes certain obligations set out in section 31 of the *Canada Elections Act*.

- The party is required to advise the Chief Electoral Officer of any change in particulars relating to the application for registration.
- At a general election, no later than ten days after the writs are issued, the party must file a statement in writing signed by the leader of the party, confirming or updating the information contained in the application for registration and, when the leader wishes, designating representatives to endorse candidates at the election.
- Every registered party must, within six months after the end of every calendar year, file a statement with the Chief Electoral Officer, signed by the leader, confirming the information relating to that registered party in the registry.
- When any of the information provided in a party's application for registration changes (other than the names, addresses and signatures of the 100 electors) the party must, within 30 days, file a report with the Chief Electoral Officer, signed by the leader and setting out the details of the change. When the Chief Electoral Officer has reason to believe that a registered party is in default of reporting changes, after sending proper written notice to the party, the party may be deleted from the registry.
- When there is a change in the leadership of a party, that information must be reported to the Chief Electoral Officer in writing and signed by the leader within 30 days, setting out the details of the change. The notice of change must be accompanied by a copy of the resolution of an official meeting of the party, and be certified by the new leader and one other officer of the party.
- When an auditor ceases to hold office or to be qualified, or becomes disqualified, the party must appoint another auditor within 30 days. It must also notify the Chief Electoral Officer of the change and file a statement signed by the new auditor accepting the appointment. Otherwise, the registered political party may be deleted from the registry.
- When the position of chief agent of a party becomes vacant, or if the chief agent is unable to perform the duties, the party must appoint a new chief agent and, within 30 days, the leader of the party must send written notice to the Chief Electoral Officer of the name and address of the new chief agent. When there is a change in any other agents of the party, the chief agent must similarly notify the Chief Electoral Officer in writing. Failure to meet these requirements may result in deletion from the registry.

- If a registered party has electoral district agents who have been appointed by an association or organization of the members of the party within an electoral district, the party must provide notice to the Chief Electoral Officer of the names and addresses of the agents. Whenever there is any change in the electoral district agents of the party, the chief agent must provide notice in writing.

When a political party accepted for registration fails to comply with the above requirements or fails to endorse officially nominated candidates in 50 electoral districts at the required election, the Chief Electoral Officer informs the leader of the party that the party cannot be registered, and publishes a notice to that effect in the *Canada Gazette*.

How is a party deleted from the registry?

Voluntarily

A registered political party may, at any time other than during a general election, voluntarily apply to be deleted from the registry. The party will be deleted, provided it has filed the election expenses return for each general election held since the registration of the party became effective. The application for deletion must be signed by the leader and any two officers of the party.

On voluntary deletion, the party continues to be responsible under the *Canada Elections Act* for filing the fiscal period return of receipts and expenses and the auditor's report. These documents are for any fiscal period ending prior to deletion of the party, for the fiscal period in which the party was deleted, and for any other fiscal period in which the party has not filed a return. Where a registered political party is deleted from the registry, the Chief Electoral Officer gives public notice in the *Canada Gazette*.

Involuntarily

When the Chief Electoral Officer believes that a registered party has contravened any provision referred to in section 28 of the *Canada Elections Act*, the Chief Electoral Officer notifies the party in writing that it must, within 30 days of receipt of the notice, cease the contravention, or satisfy the Chief Electoral Officer that the contravention is not the result of any negligence or lack of good faith. This notice is sent to all officials set out in the registry.

A registered party may be deleted from the Registry of Registered Political Parties if it

- no later than ten days after the issue of the writs, fails to file with the Chief Electoral Officer a written statement signed by the party leader, confirming or updating the information contained in the application for registration and, where the leader wishes, designating representatives to endorse candidates at the election;

A registered party shall be deleted from the Registry of Registered Political Parties if it

- does not on the 28th day before Polling Day have candidates officially nominated in at least 50 electoral districts.

When a party fails to file the statement of confirmation, the Chief Electoral Officer sends notice, giving five days' notice to comply.

When a party fails to cease the contravention or to establish to the satisfaction of the Chief Electoral Officer that the contravention was not the result of any negligence or lack of good faith, within the time period referred to in the notice, the Chief Electoral Officer will delete the registered party from the registry and publish a notice in the *Canada Gazette*. A copy of the notice is sent to all party officials.

Within three months of the expiry date for filing the fiscal return, the chief agent must liquidate the assets of the party, pay the debts and remit any remaining balance to the Chief Electoral Officer, who will transmit the balance to the Receiver General. If any assets are sold for less than market value, the chief agent is personally responsible for the difference between the market value and the proceeds received from the disposal of the assets. When there is no balance, the Chief Electoral Officer must be informed in writing.

The deletion of the party from the registry is effective the day that the Chief Electoral Officer receives the balance or the notice that there is no balance.

For more information, please contact:

Elections Canada
1595 Telesat Court
Ottawa, Ontario K1A 0M6

Telephone: 1-800-267-VOTE (8683), (toll free)
or (613) 993-297

Persons who are deaf or hard of hearing can call: TDD/TTY 1-800-361-8935, (toll free)
or (613) 991-2082

FAX: (613) 991-2128

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