



Government
of Canada

Gouvernement
du Canada

Commissioner of
Canada Elections

Commissaire aux
élections fédérales

2015–2016 ANNUAL REPORT

YVES CÔTÉ, QC, COMMISSIONER OF CANADA ELECTIONS



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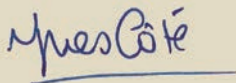
May 2, 2016

Mr. Brian Saunders, QC
Director of Public Prosecutions
160 Elgin Street, 12th Floor
Ottawa, Ontario
K1A 0H8

Dear Mr. Saunders,

Pursuant to subsection 16 (1.1) of the *Director of Public Prosecutions Act*, I am pleased to submit the 2015-2016 Annual Report for my office. In accordance with the requirements described in subsection 16 (1.1), this report provides an overview of our activities and operations from April 1, 2015 to March 31, 2016, but contains no details of any investigations.

Sincerely,

A handwritten signature in blue ink that reads "Yves Côté". The signature is written in a cursive style and is underlined with a single horizontal line.

Yves Côté, QC
Commissioner of Canada Elections

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COMMISSIONER'S MESSAGE

I am pleased to present the 2015-2016 annual report for the Office of the Commissioner of Canada Elections.

As Canadians, we are particularly fortunate to live in a country where citizens can raise concerns and file complaints when compliance issues arise during an election. The role of my office in this process – to address and deal with these concerns and complaints – is one that we take very seriously. Extensive planning and preparation in the lead-up to the October 2015 general election ensured that we were ready to manage the increased volume of complaints during the writ period.

2015 GENERAL ELECTION

There are a few areas I would like to highlight with respect to the 42nd general election.

First, from a compliance and enforcement perspective, I believe that overall the campaign went well. Although there are a number of matters we are still looking into, it is fair to say that, at this point, no major issues affecting the integrity of the process have been identified. Interestingly, despite the campaign being almost twice as long as it was in 2011, we observed no significant growth in the overall number of complaints we received.

In addition to the overall conduct of the election, we noted – and appreciated – the positive collaboration we encountered in our dealings with political parties and candidates. Individuals and parties from across the political spectrum were generally receptive to interventions from our Office and were usually – though not always – quick to correct problems when they arose. This same willingness to comply was present in our dealings with third-party advertisers who participated in this election. For the most part, the

third-party advertisers with whom we interacted were prompt to take corrective measures to comply with the *Canada Elections Act* (the Act).

Throughout this fiscal year, we have continued to foster what I consider to be an extremely productive relationship with Elections Canada. In particular, during the campaign, there were timely and useful exchanges of information – at all levels of our respective organizations – that made it easier for us to deliver on our mandate.

Finally, it became clear during the election that the shift towards the use of social media, both by political and non-political entities, is beginning to give rise to issues that the Act is not currently designed to accommodate. Among the issues identified this year was the sharing of photos of marked ballots on social media. Under the legislation as it currently exists, this is not an offence (except in the rare circumstances described in greater detail

later in this report). If the secrecy of the vote is to be maintained, the Act will have to be amended.

COMPLIANCE AND ENFORCEMENT ACTIVITIES

In 2015-2016 our Office entered into 17 compliance agreements and laid charges against one individual. The decisions with respect to which compliance or enforcement tool was most appropriate in each particular case were made in accordance with the criteria set out in our *Compliance and Enforcement Policy*, which is accessible to the public on our Web site.

Compliance agreements can be an efficient tool to deal with certain types of non-compliance. Compared with a prosecution, they are relatively quick to complete. The fact that they are made public and published in the *Canada Gazette* provides a significant degree of transparency and acts as an important deterrent against future offences. However, as I noted in my 2012-2013 Annual Report, compliance agreements would be even more effective if the legislation made it possible to negotiate broader terms and

conditions (for example, the payment of monetary penalties to the Receiver General).

LOOKING AHEAD

We expect to receive, in the early part of 2016-2017, the first wave of referrals stemming from Elections Canada's auditing of financial reports submitted by parties, candidates and third parties. As they have in the past, these referrals will form the basis of much of our investigative work over the next several years.

I note also that the Minister of Democratic Institutions was given the mandate to "introduce amendments to the Act to make the Commissioner of Canada Elections more independent from Government." As we have in the past, our Office will do all it can to support Parliament in its examination of any legislative proposals it may be called upon to consider.

CONCLUSION

It has been a busy year for our Office and, although there is still work to be done with respect to the 2015 general election, I am very pleased with the results we have achieved this year.

In 2015-2016, our colleagues at the Public Prosecution Service of Canada provided us with excellent financial, human resources and corporate services that were critical to ensuring we had adequate resources in place both during and after the election period. I am thankful to them for their assistance.

Finally, and importantly, my most sincere thanks go out to my colleagues for their continued dedication and professionalism, and especially for all of the extra time and effort that they devoted to the general election.



Yves Côté, QC
Commissioner of Canada Elections

ABOUT US

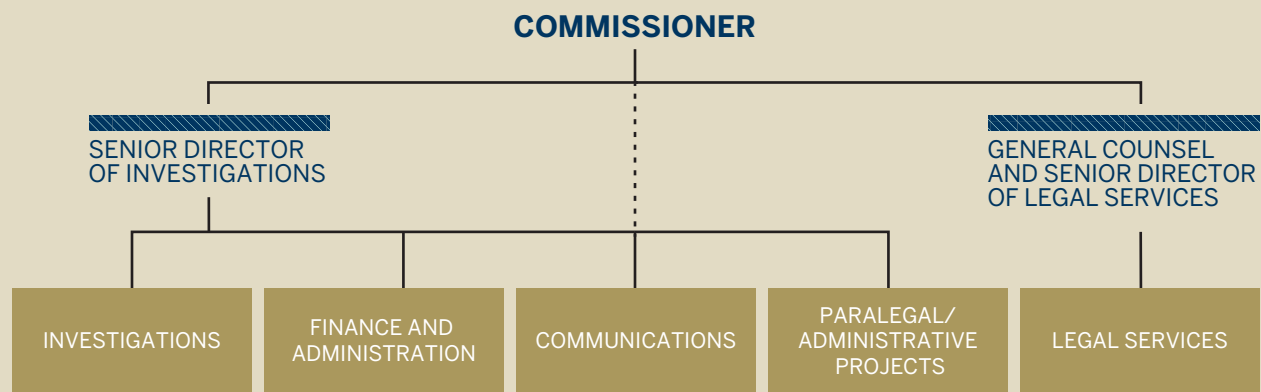
The position of Commissioner of Canada Elections (CCE) was originally created in 1974. The powers of the Commissioner of Election Expenses (as it was known at the time) were limited to compliance and enforcement of rules relating to election expenses. In 1977, the Commissioner's powers were significantly expanded to include all provisions under the

Canada Elections Act (the Act) and the position formally became known as the Commissioner of Canada Elections.

Today, the Commissioner of Canada Elections continues to play an important role in safeguarding Canadians' trust in the democratic process. As an independent officer, the Commissioner's dual roles of

ensuring compliance with, and enforcement of, the Act and the federal *Referendum Act*, are carried out with the aim of promoting the integrity of the electoral process.

The Commissioner is supported by approximately 30 people, including federal public servants and independent contractors.



COMPLAINTS AND REFERRALS

All complaints and referrals received by the Commissioner with respect to the Act are assessed to determine if they fall within the mandate of the office. Individuals whose complaints or allegations do not fall under the Commissioner's area of responsibility are advised and, wherever possible, are redirected to the appropriate complaint mechanism.

If, following a preliminary review, the Commissioner concludes that the allegations made in connection with a complaint or referral may

have merit, an investigation may be conducted to clarify the facts and gather evidence related to the alleged offence. At all times throughout the process, the Commissioner ensures that decisions are guided by the principles of independence, impartiality and fairness. Additional information regarding the Commissioner's mandate can be found in the *Compliance and Enforcement Policy of the Commissioner of Canada Elections* available on the Commissioner's Web site at: www.cce-cef.gc.ca.

Submitting a Complaint

The Commissioner receives complaints from a variety of sources. Anyone with a complaint or allegations of wrongdoing under the *Canada Elections Act* may contact the Commissioner's office:

by web form: www.cce-cef.gc.ca,

by email: info@cef-cce.gc.ca,

by fax: 1-800-663-4906
or 819-939-1801, or

by postal mail:

Commissioner of Canada Elections
P.O. Box 8000, Station T
Ottawa, Ontario
K1G 3Z1

THE YEAR IN REVIEW: 2015–2016

42ND FEDERAL GENERAL ELECTION

Ensuring compliance with, and enforcement of, the Act is an ongoing process that extends well beyond voting day. Although the office received more than 1000 complaints during the 42nd federal general election – and more than 100 on election day – CCE staff were actively engaged in evaluating, resolving and investigating complaints from Canadians throughout the 2015-2016 fiscal year. A statistical breakdown of the files handled by the Office throughout the year is available at Appendix A.

In addition to this investigative work, CCE staff also used the first half of 2015–2016 to finalize preparations for the election. Working in partnership with officials at Elections Canada and the Canadian Radio-television Telecommunications Commission (CRTC), CCE employees played a key role in developing best practices for sharing and redirecting complaints. They also oversaw the evaluation and implementation processes for various technological safeguards that were necessary to securely transfer complaint-related information between the three oversight bodies.

While some enforcement measures are taken during an election period, the vast majority of cases involve minor compliance issues that can be resolved quickly – and often informally – through the timely intervention of CCE staff. The ability to swiftly manage the influx of allegations of non-compliance associated with an election period is dependent on a team of skilled intake, investigative and legal personnel. In an election year, this core team is supported through the hiring of additional investigative resources. In 2015-2016, additional investigators were hired in anticipation of the election period. The increase in the number of employees and contractors was essential in the final weeks of the campaign when intake, investigations and legal staff were available seven days a week to receive, triage and in many cases, resolve complaints.

Over and above the hiring of additional investigators, during the election period, the CCE's legal services group established and maintained a legal 'hotline.' This service, monitored throughout the week and on weekends by members of the Legal Services directorate, provided a direct line of communication between the

Commissioner's legal staff and counsel for the various political parties, to quickly resolve issues.

To reinforce the work of CCE investigative and legal personnel, and to assist and educate Canadians about the requirements set out in the Act, the CCE also completed a redesign of its Web site during the election period. The changes made the site more user-friendly and easier to navigate by reorganizing and building on existing information. New elements included simplified home page navigation and a reformatted electronic complaint form. Moreover, individuals seeking to make a complaint were directed to a newly-created Frequently Asked Questions section. This process allowed complainants to make an informed decision about whether their concern fell under the CCE's jurisdiction prior to submitting their complaint.

ISSUES OF PARTICULAR INTEREST

Every election brings with it unique circumstances and events. Both before and during the 42nd general election, a number of issues arose that, while they did not factor among the most complained-about topics, deserve to be highlighted.

Political Financing Rules for Nomination Contestants

Prior to the 42nd general election, the CCE received complaints regarding nomination contests. The complaints alleged that certain nomination contestants had failed to report all expenses for goods or services used during their campaign. However, as it currently stands, the Act does not regulate all expenses associated with a nomination contest, such as expenses incurred before the start of the contest.

When informed of this, individuals who complained to the CCE felt that the fact that the legislation leaves many of the goods and services used by contestants in these types of contests unregulated allowed campaigns to easily circumvent the otherwise strict rules in the Act. This has the potential to significantly undermine public confidence both with respect to the political financing rules for nomination contestants and the CCE's ability to enforce them.

Promises and Commitments by Provincial Politicians

During the election period, members of the public approached the Office with concerns over promises and commitments made by provincial politicians. Complainants believed that these promises, which were contingent on the outcome of the election, constituted illegal bribes or inducements under the Act. The CCE carefully reviewed these complaints and concluded that the sections of the Act pertaining to bribes and inducements did not capture promises or commitments made by politicians on public policy issues.

Interference by Foreigners

Section 331 of the Act prohibits non-citizens who reside outside of Canada from inducing electors to vote in a particular way. During the campaign, the CCE received a number of complaints alleging that foreign nationals who were not permanent residents of Canada could not provide campaigning advice to federal registered parties without infringing section 331 of the Act.

After careful review, the CCE concluded that providing advice to a registered party, or possibly having an influence on how a registered party will carry out its own inducement activities, is not caught by the wording of the prohibition at section 331. Nevertheless, there appears to be some confusion regarding the intended breadth of section 331 and Parliament may wish to revisit its wording to bring greater clarity to its scope.

Pictures of Marked Ballots on Social Media

The appearance of photos of marked ballots on social media platforms during the 42nd general election was the source of a number of complaints to the CCE. For many Canadians, they were viewed as a serious breach of the principle of the secrecy of the vote.

After consultation with the Office of the Director of Public Prosecutions, the CCE concluded that the prohibition against showing one's marked ballot could only apply to an elector who posted a photo of their own ballot on social media while still physically inside the polling station. Conversely, posting a photo of another person's marked

ballot – regardless of where they are at the time the photo is uploaded – is captured by the existing provisions in the Act.

It is clear that the existing rules, adopted in a pre-Internet era, do not adequately address this issue. Consequently, consideration should be given to amending the Act if the secrecy of the vote is to be protected.

Removal of Anonymous Election Advertising

One of the prevailing themes during any election relates to missing authorization statements (taglines) on election advertising. During the 42nd general election, in addition to complaints regarding the absence of taglines, the CCE received complaints concerning the removal or interference with election advertising signs that did not contain the required authorization and failed to identify the third party responsible for the advertising.

Although signs missing this information are not compliant with the Act's transparency requirements, the Act currently makes no distinction between interfering with the transmission of compliant vs. non-compliant advertising. However, from the CCE's perspective, the public interest in taking formal enforcement or compliance action against a person who has interfered with anonymous third party advertising signs is unquestionably reduced.

Election Officers' Use of Elector's Personal Information

During the 42nd general election, the Office encountered a situation where an election officer used an elector's personal information – obtained in the course of the performance of his duties – for a purpose unrelated to the performance of those duties. Where it can be proven that this personal information was obtained from the list of electors, an existing prohibition in the Act can be used to take compliance or enforcement measures against the offender. However, where the information was obtained through other means in the course of the election officer's work, (for example, reviewing an elector's identification), there is no applicable prohibition in the Act. Indeed, while the Act does prohibit the communication of such information, it does not prohibit its use more generally.

Although the incident that occurred during the 2015 election was an isolated occurrence, the misuse of an elector's personal information has the potential to damage public confidence in the security of their personal information. Further, the inability to take action to address these breaches could undermine electors' trust in the electoral system. Consideration should be given to addressing this void.

Voting with Face Coverings

The CCE received a number of complaints of individuals who were alleged to have voted twice by showing up at the polls with their faces covered. In most cases, these complaints were filed after the

alleged "double voters" had posted statements on social media claiming that, by covering their faces, they were able to vote twice.

As of March 31, 2016, the Office had completed an examination of 34 such complaints and concluded that none had resulted in an elector having voted twice.

Third Party Use of Foreign Contributions

A number of complaints were received about third parties allegedly using foreign contributions to fund activities during the election period. Most third parties exist outside of an election period, and generally, the financing of their activities is only regulated under the Act to the extent that the financing is used to fund election advertising. As such, a third party can use foreign contributions to fund activities that do not include the transmission of election advertising messages. This includes carrying out election surveys, setting up election-related websites and using calling services to communicate with electors.

Campaigns Misleading Voters about the Vote

The Office received a number of complaints about voters receiving misleading information during the campaign. Most of these were with respect to various campaigns dropping off information leaflets containing information about times and places for voting that directed the members of the household to vote at the wrong polling station. After review, it was determined that, generally, these were the result of campaign volunteers dropping off the wrong information leaflet at

particular addresses; there was no intent to mislead and no one was prevented from voting. This serves as a reminder to electors that they should obtain this type of information from Elections Canada as the potential for errors exists when provided by other sources.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

In May, the Commissioner and members of his management team met with officials from the Organization for Security and Co-operation in Europe's (OSCE) observation mission to discuss the role and mandate of the Commissioner of Canada Elections. The Commissioner provided an overview of the tools available to him, the changes to the compliance and enforcement scheme that had come about as a result of Bill C-23, and some of the challenges associated with enforcing the Act. The OSCE's report outlining their findings was published in February 2016 and contained a number of recommendations, including some directly related to the Commissioner's mandate. Among these was the priority recommendation that the "Commissioner of Canada Elections could be granted the right to compel witnesses and to impose administrative penalties as another option to resolve minor violations of the Elections Act with a view to improve the timeliness and effectiveness of investigations."¹

1 OSCE/ODIHR Election Assessment Mission Final Report: www.osce.org/odihr/elections/220661

COMPLIANCE AND ENFORCEMENT

The integrity of the electoral process relies on the good faith of participants and their willingness to follow the requirements set out in Canadian election law. The Commissioner's mandate reinforces and strengthens oversight of the electoral system, ensuring that all participants can confidently partake in the electoral process. The *Compliance and Enforcement Policy of the Commissioner of Canada Elections* outlines how the Commissioner exercises his mandate under the Act.

Caution Letters

Caution letters are an informal means of ensuring compliance with the Act. Between April 1, 2015, and March 31, 2016, the Commissioner issued 144 caution letters to address minor contraventions or inadvertent non-compliance. As is the case with other informal tools used by the CCE, caution letters are not made public.

Compliance Agreements

The *Canada Elections Act* provides that the Commissioner may enter into a compliance agreement with anyone who he has reasonable grounds to believe has committed, is about to commit or is likely to commit an act or omission that could constitute an offence. Compliance agreements are voluntary and set out the terms and conditions the Commissioner considers necessary to ensure compliance with the Act.

Between April 1, 2015 and March 31, 2016, the Commissioner entered into 17 compliance agreements:

- Nine agreements were entered into with organizations that made illegal contributions to one or more political entities. The Act prohibits any person or entity other than an individual who is a Canadian citizen or permanent resident of Canada from making contributions.
- One compliance agreement was entered into with an individual who had made over-contributions to their own 2014 nomination contest. The Act does place limitations on the amount an individual can contribute in a calendar year, in total, to the registered associations, nomination contestants and candidates of a particular registered party.
- Two compliance agreements were concluded with individuals who, following the 2011 general election, failed to provide complete electoral campaign returns.
- Three compliance agreements were entered into with individuals who made contributions to a number of political entities in excess of the individual contribution limits established by the Act.
- A compliance agreement was entered into between the Commissioner and a group who engaged in third party advertising during the 42nd general election. As part of the agreement, the group acknowledged that they had failed to register as a third

party advertiser – as required by the Act – and that their advertising did not contain the required authorization statement (tagline).

- One compliance agreement was entered into with an employer who had failed to provide their employees with time off to vote. The Act requires that employers provide the time required for the employee to dispose of three consecutive hours to vote.

The full text of these compliance agreements is available on the CCE's Web site at:

www.cce-cef.gc.ca

Charges and Prosecutions

If the Commissioner believes on reasonable grounds that an offence has been committed under the Act, he may refer the matter to the DPP, who has sole authority to decide whether charges will be laid. The DPP acts as an independent prosecution authority, with a mandate to prosecute cases under federal law and to provide legal advice to investigative agencies.

Charges were laid on May 6, 2015 in the Provincial Court of Newfoundland and Labrador in St. John's against official agent Reginald Bowers. He was charged with three counts: one count of failing to return ineligible contributions, and two counts of knowingly providing the Chief Electoral Officer with a document that contained a material statement that was false or misleading.

In October 2015, Mr. Bowers pleaded guilty to the count of having failed to return ineligible contributions, and to one count of having submitted a false or misleading return. The latter combined the elements of the two separate counts that dealt with the provision of false and misleading information for which he had been charged. The court imposed the following sentence in December 2015:

- A fine of \$500 for the ineligible contributions.
- A fine of \$1000 for providing a false or misleading document.

In addition, the trial for Mr. David Del Mastro, charged with Ms. Tory-Lynn Manchulenko, in October 2014 with knowingly concealing or attempting to conceal the identity of the source of a contribution and knowingly circumventing the campaign contribution limit for an individual donor, began in February 2016.

On January 29, 2016, Ms. Manchulenko pleaded guilty and received an absolute discharge. As of March 31, 2016, Mr. Del Mastro's case was still before the courts.

Finally, two additional cases remained before the courts at the end of 2015-2016. As of the writing of this report, the court's decision with respect to Mr. Dean Del Mastro's appeal was still pending and Mr. Michael Sona's appeal was scheduled to be heard in the spring of 2016. Additional information with respect to these two cases can be found in the *2014-2015 Annual Report*.

WRITTEN OPINIONS, GUIDELINES AND INTERPRETATION NOTES

Since December 19, 2014, as part of the amendments to the Act, the Commissioner is required to provide comments on draft written opinions, guidelines or interpretation notes proposed by the Chief Electoral Officer.

Guidelines and interpretation notes discuss the application of a provision of the Act to registered parties, registered associations, candidates, and/or leadership or nomination contestants (referred to collectively as "regulated political entities"). A guideline or interpretation note is issued for information purposes only and is not binding on regulated political entities. In keeping with the Act, the Commissioner has 15 days to comment on the drafts of these documents. When the guideline or interpretation note is officially issued, the Chief Electoral Officer must also publish the comments received from the Commissioner on the draft version.

Similar requirements exist when a registered party makes a request to the Chief Electoral Officer for a written opinion on the application of any provision of the Act. In this case as well, the Commissioner must comment on the draft within a 15-day consultation period, and these comments are published along with the final written opinion. If all material facts submitted with the application were accurate, the final

written opinion is binding on the Chief Electoral Officer and on the Commissioner with respect to the activity or practice of the registered party that made the request or of its affiliated regulated political entities. With respect to similar practices or conducts of all other regulated political entities, the written opinion has precedential value for the Chief Electoral Officer and the Commissioner.

During 2015-2016, the Chief Electoral Officer issued 14 guidelines and interpretation notes.² Of these 14 guidelines and interpretation notes, the CCE provided comments on 12 of the drafts that were circulated for consultation. The CCE was in full agreement with the positions put forth by Elections Canada in the two remaining guideline and interpretation notes and therefore did not provide comments. The guidelines and interpretation notes issued by the Chief Electoral Officer during this period included the five political financing handbooks for each of the regulated political entities (i.e., registered parties, registered associations, nomination contestants, candidates and leadership contestants), as well as clarification on important issues such as what constitutes advertising on the Internet, the application of the political financing rules on leaders' and candidates' debates and on the use by Members of Parliament of parliamentary resources. All of these instruments proved to be extremely useful in clarifying the application of the Act with respect to various aspects of candidates' and parties' campaigns.

2 There were no requests for a written opinion submitted by a registered party in 2015-2016.

LOOKING AHEAD

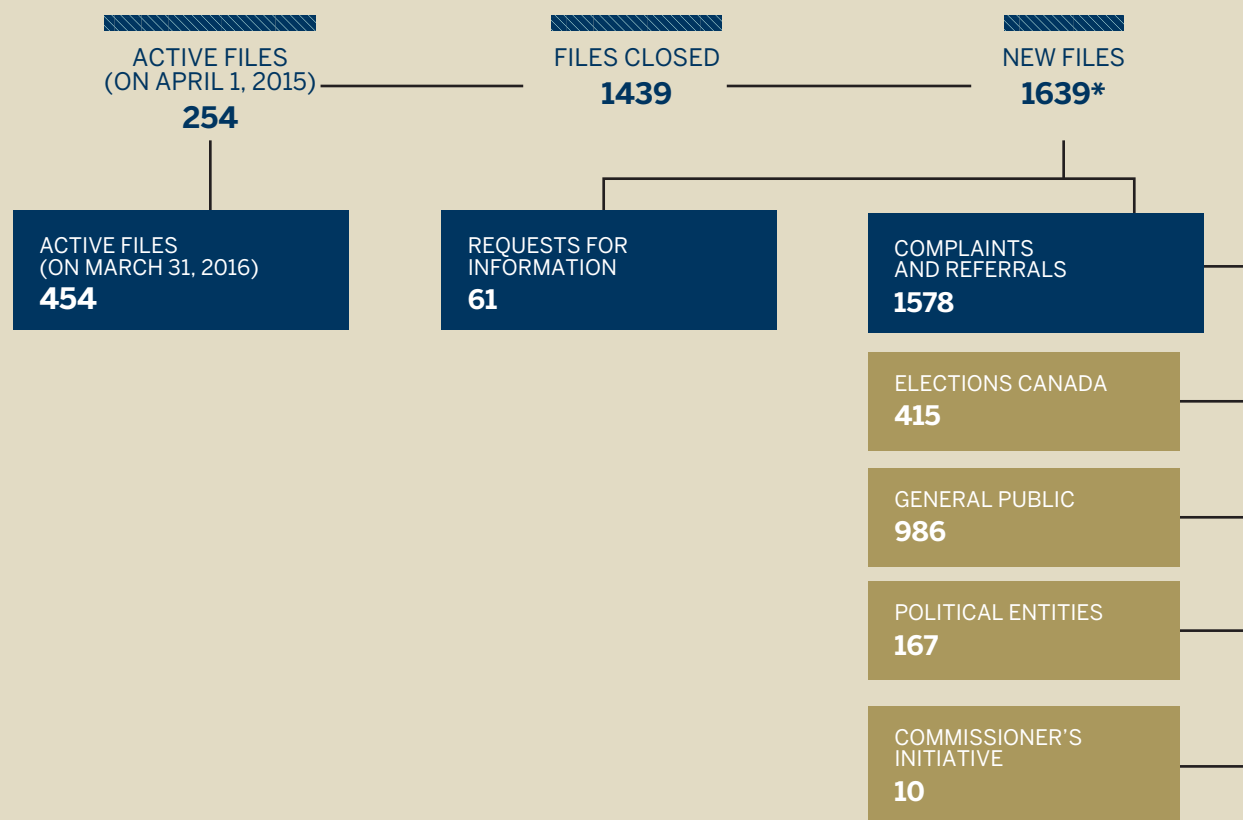
POST-ELECTION ENVIRONMENT AT THE CCE

Compliance is the primary focus during the election period, but work in the weeks, months – and in some cases years – following a federal election centres on enforcement.

Although a significant number of complaints are received during the writ period, post-election, the CCE also begins to receive referrals from Elections Canada's Political Finance and Audit Directorate. This group is responsible for auditing the financial reports and information submitted by political entities and registered third parties. Instances believed to contain some element

of non-compliance with the Act are referred to the CCE for potential compliance or enforcement action, aside from those instances of non-compliance that are resolved internally at Elections Canada in accordance with the *Administrative Compliance Policy for Political Financing* adopted by the Chief Electoral Officer after consultation with the CCE.

APPENDIX A – DISPOSITION OF CASES (APRIL 1, 2015 TO MARCH 31, 2016)



*1320 related to the 42nd general election

COMPARISON OF ACTIVE FILES PER YEAR:

	2012–2013	2013–2014	2014–2015	2015–2016
Active Files (March 31)	424	346	254	454

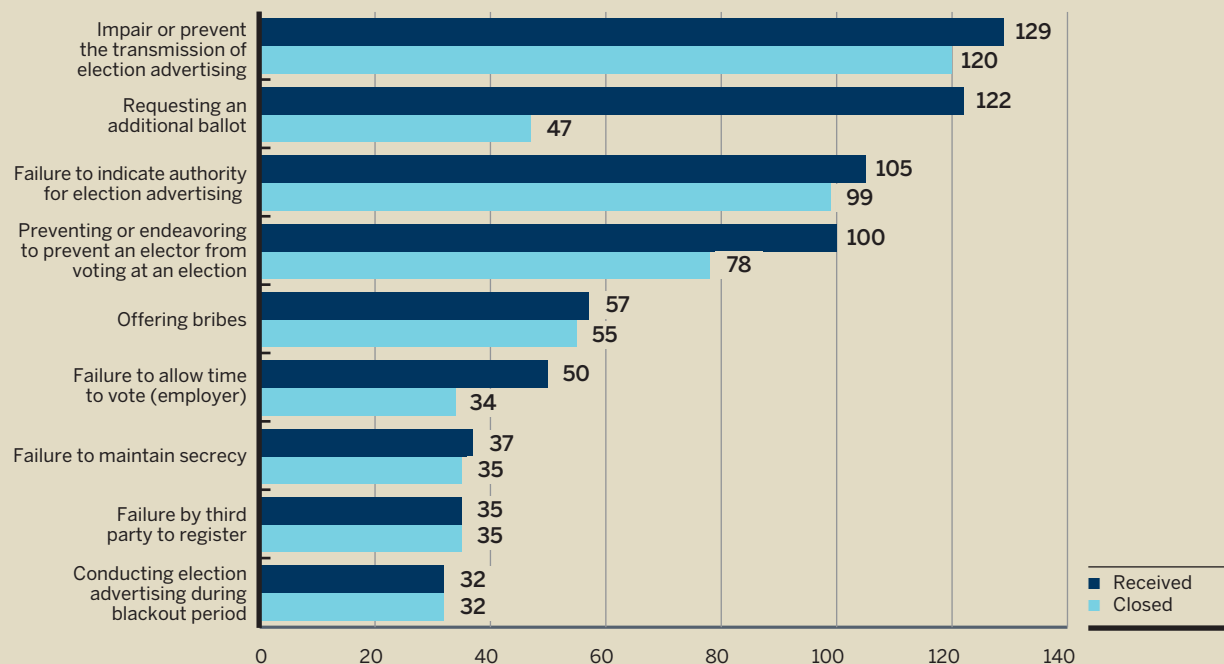
COMPLAINTS RELATED TO THE 42ND GENERAL ELECTION

The Office of the Commissioner of Canada Elections continues to receive complaints and referrals long after the end of an election period. This section provides a preliminary overview

of election-related complaints received by the Office at the end of the 2015-2016 fiscal year.

This chart displays complaints related to the 42nd general election by most common themes.

MOST COMMON COMPLAINTS*



*Note: This chart represents categories assigned during the initial intake process. These categories may be changed or modified depending on information arising out of an investigation. A more detailed explanation of each of these categories follows.

Impair or prevent the transmission of an election advertising message.

Under the Act it is an offence to prevent or impair the transmission of an election advertising message. During the campaign period, the Office received 129 complaints related to interference with the transmission of election advertising, of those, 23 were related to a single incident that had received significant media attention.

Requesting a second ballot

Of the 122 complaints regarding voting more than once, 37 were related to instances of electors having allegedly voted twice by showing up at the polls with their faces covered. As noted earlier in this report, as of March 31, 2016, none of the cases of double voting have been substantiated. Delays in obtaining additional supporting documentation account for the number of files that remained open

at the end of the fiscal year. These delays are normal in the immediate post-election environment and it is expected that the CCE will receive the records required to complete its analysis of existing files in 2016-2017.

Failure to indicate authority for election advertising

The Act requires that advertising contain an authorization or 'tag line' indicating the message is being transmitted with the consent of

either the official agent for a particular candidate or the registered agent of the party. The Act does not stipulate how large the font must be or – in the case of a radio broadcast – how quickly the authorization may be spoken.

There were 105 complaints alleging election advertising that failed to contain an authorization statement. Many of these complaints were resolved informally during the campaign by communicating with the candidate or party, others were deemed to be unfounded as the authorization was present albeit difficult to read.

Willfully preventing or endeavoring to prevent an elector from voting at an election

Willfully providing information that attempts to mislead or prevent electors from voting is not permitted.

The CCE received 100 complaints alleging that an elector had been misled. Of those, 62 claimed that various campaigns had provided inaccurate information about times and location for voting.

Following a review of these cases, it was determined that in most instances, wrong information was communicated to voters with no intent to mislead.

Offering bribes

Offering a bribe in an attempt to influence electors is an offence under the Act. The Office received 57 complaints relating to bribery during the election period. Of those, 26 originated from members of the public who were concerned that promises or commitments made by politicians at the provincial level – which were made contingent on the outcome of the election – constituted illegal bribes. As noted earlier in this report, following a review of these complaints, the CCE concluded that the sections of the Act pertaining to bribery were not intended to capture promises or commitments made by politicians on public policy issues.

Failure to allow time to vote

In total there were 50 complaints related to employers who failed to provide the required time off for voting. Some of these cases have been resolved through the use of compliance tools directed at employers who did not provide all their employees with three consecutive hours to vote on polling day.

Failure to maintain secrecy

It is incumbent upon everyone to maintain the secrecy of the vote. The CCE received 37 complaints related to failure to maintain secrecy, and more than 20 of those were related to circumstances

concerning electors posting their marked ballots on social media. This issue is discussed in greater detail in the Issues of Particular Interest section earlier in this report.

Failure by a third party to register

Third party advertisers who spend \$500 or more during an election period are required to register with Elections Canada and their expenses are subject to spending limits. These limits are dependent on the length of the electoral period and must be reported within four months of polling day.

Among the 35 complaints received by the CCE, a number were simply unfounded, while others were quickly resolved through interventions by investigators.

Conducting election advertising during blackout period

The Act prohibits the transmission, to the public, of election advertising on polling day. This prohibition applies to all advertising messages. Of the 32 complaints regarding election advertising during the blackout period, 12 were related to an email sent by a registered party on polling day. Following a review of these complaints, the complainants were advised that sending an email did not constitute transmission of election advertising.

APPENDIX B – FINANCIAL TABLES (APRIL 1, 2015 TO MARCH 31, 2016)

FISCAL YEAR 2015–2016

	APPROPRIATION	UNAPPROPRIATED FUNDS – CRF	TOTAL
	INDETERMINATE POSITIONS	OTHER	
Salaries*	\$1,291,236.00	\$863,088.00	\$2,154,324.00
Expenditures		\$1,939,317.00	\$1,939,317.00
			\$4,093,641.00

*Employee benefits packages are included as part of unappropriated spending.