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Provincial Political Financing Manual

*Including Guidelines issued by the
Supervisor of Political Financing*

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1 Introduction

This manual is intended to be the primary reference document for stakeholders involved with the financing of the provincial political process in New Brunswick. Matters related to municipal elections or federal elections are not addressed in this document.

This manual combines provisions of the *Political Process Financing Act* as consolidated to June 1, 2017, (the “PPFA” or the “Act”), provisions of the *Elections Act* as consolidated to January 1, 2018, accounting guidelines (the “Guidelines”) issued by the Supervisor of Political Financing (the “Supervisor”) pursuant to the Act, and best practices developed over time in managing the finances of political entities in New Brunswick.

In the event of conflict or uncertainty between the information contained in this manual and the *Political Process Financing Act*, the Act shall prevail.

In this chapter, the following topics are discussed:

1. Stakeholders;
2. Financial perspective for volunteers;
3. Unique features of provincial political financing;
4. Restricted financial relationships; and
5. Political entities, officials, and responsibilities.

1.1 Stakeholders

When the Act was introduced in 1978, the political entities subject to the PPFA (and the *Elections Act*) were registered political parties, registered district associations, and candidates. Candidates included official candidates of registered political parties and independent candidates.

In 2008, provisions were introduced to create a system of disclosure and registration for third parties wishing to advertise during provincial elections.

In 2015, new provisions of the Act were introduced for leadership contestants of registered political parties and nomination contestants seeking to become official candidates of registered political parties.

The responsibility for administering the PPFA rests with the Supervisor of Political Financing. The Chief Electoral Officer serves as the Supervisor and makes every effort to administer the Act fairly and in a non-partisan manner.

The PPFA provides for an “Advisory Committee on the financing of the political process” (the “Advisory Committee”). The Advisory Committee’s function is to offer an opinion on any questions posed by the Supervisor relating to the financing of the political process and to the application of the Act, including any proposed Guidelines. The Advisory Committee consists of the Supervisor and two representatives of each

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registered political party that had official candidates in at least one-half of all electoral districts at the immediately preceding general election.

The Supervisor retains legal counsel and consults as needed on matters requiring a legal opinion on an interpretation of the Act.

1.2 Financial perspective for volunteers

The political financing system is primarily run by volunteers. To many of these volunteers, the provisions of the PPFA appear overwhelming.

To alleviate these concerns, it is helpful to understand that, from a financial perspective, the provincial political entities are similar in many ways to many small businesses and non-profit organizations with which volunteers may be already familiar. For example, small business, non-profit, and political entities alike have the following financial attributes:

- Revenues and expenses. If revenues exceed expenses, then a profit (or operating surplus) is generated. If expenses exceed revenues, then a loss (or operating deficit) is experienced. Over the long term, profits must exceed losses for the organization to be financially sustainable.
- Assets; e.g. cash, bank deposits, accounts receivable, vehicles, and land and buildings.
- Liabilities; e.g. accounts payable, payroll source deductions, lines of credit, and loans.
- Financial statements; e.g. a Balance Sheet, Income Statement, and Statement of Changes in Financial Position portray the financial health of the organization; and
- Budgets; e.g. annual or monthly projections of future revenues, expenses, and cash flow.

1.3 Unique features of provincial political financing

There are, of course, many unique features of provincial political financing in New Brunswick that must be well understood. The objective of the PPFA is not to prevent or interfere with the flow of ideas and information; rather, the Act attempts to establish a “level playing field” for all candidates, political parties, and third parties. This level playing field prevents the wealthy from overwhelming and controlling the political process in the Province. The Act ultimately places limits on the freedom of expression in the democratic process; however, it does so in a constitutionally-acceptable manner and for the greater good of society.

The unique features of political financing include, but are not limited to, the following:

1. The provincial treasury provides an annual operating allowance to qualifying registered political parties.
2. Most registered political parties qualify for a rebate of 50% of the Harmonized Sales Tax (HST) paid in the course of their operations. Registered district associations that receive a reimbursement of election expenses may also qualify for this rebate.

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3. Limits are placed on contributions made, and financing provided to, most political entities.
4. Contributions may only be made to certain officials of certain political entities. Unlike most other Canadian jurisdictions, candidates in New Brunswick cannot directly receive contributions or financing; rather, the candidate's registered district association (or registered political party) arranges the financing of the election campaign.
5. All contributions of money intended for registered district associations and candidates must first be deposited in the accounts of their respective registered political parties so that receipts may be issued to acknowledge the contributions. An agreed-upon share of the contributions, including those designated for candidates, will be transferred by the party to its registered district associations. In turn, the association will transfer funds to the official agent of its candidate for spending on election expenses. If there is no district association registered for an electoral district, the party will transfer funds directly to the official agent of the candidate.
6. Contributions of property and services – these are commonly referred to as “contributions in kind” or “in-kind contributions” – may also be made to certain political entities and must be acknowledged by issuing a receipt to the contributor.
7. Limits are placed on particular expenditures defined as “election expenses”.
8. Limits are placed on particular advertising expenditures made outside an election period.
9. If the candidate qualifies by receiving 15% or more of the vote in his or her electoral district, the provincial treasury provides a partial reimbursement of the candidate's election expenses.
10. Some registered political parties operate like a bank for their registered district associations and candidates by holding their funds on deposit and processing expenditures on their behalf.
11. Provincial political entities must report publicly on contributors and their contributions, creditors and the details of all financing provided, election expenses, and non-election expenditures.
12. Financial reporting is accomplished using financial returns provided by the Supervisor. All financial returns are available for inspection by any member of the public. Many are also posted on the website of Elections New Brunswick.
13. Annual financial returns of registered political parties must be audited by an independent auditor. All financial returns are subject to an examination by staff at Elections New Brunswick.
14. Many provisions under the Act come with an associated offence for failure to comply. The offences are of varying degrees of severity. The category of offence and the related penalties are provided under the *Provincial Offences Procedure Act*.

The combined effect of these features is that the financial and accounting processes within registered political parties are quite complex and require careful and constant attention. For this reason, staff at

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Elections New Brunswick is available to provide support and direction to party officials and office staff and to facilitate compliance with their obligations under the Act.

These features will be explained in detail throughout the rest of this manual.

1.4 Restricted financial relationships

Within the associated group of a registered political party, its registered district associations, and its official candidates, money may be transferred or loaned as needed.

In contrast, money contributed or loaned to leadership contestants or nomination contestants may not be transferred or loaned in any manner to the associated group of a party, its associations, and its official candidates or between contestants. Registered leadership contestants and registered nomination contestants are not permitted to make contributions or provide financing to political parties and district associations and, in turn, political parties and district associations are not permitted to transfer funds or provide direct support in any manner to leadership and nomination contestants.

Independent candidates may not contribute, loan, or transfer money to other candidates and political entities.

Third parties may not make contributions, provide financing, or transfer funds to registered political parties, registered district associations, leadership contestants, nomination contestants, and independent candidates. Any funds contributed to third parties may not be recontributed or loaned to any registered political party, registered district association, leadership contestant, or nomination contestant.

1.5 Political entities, financial officials, and responsibilities

The various political entities, their primary financial officials and responsibilities, and the relevant chapters in this manual are mapped out in the table below:

Political entity	Financial officials	Responsibilities of financial officials	Relevant chapters
Registered political party	<ul style="list-style-type: none"> • Official representative • Chief agent 	<ul style="list-style-type: none"> • Contributions, financing, non-election expenses, banking, accounting systems, and financial reporting • Election expenses and financial reporting 	2, 3, 4, 7, 8
Registered district association	Official representative	Contributions, financing, non-election expenses, banking, and financial reporting	2, 3, 4, 7, 8
Nomination contestant	Official representative	Contributions, financing, expenditures, banking, and financial reporting	4, 7, 8
Official candidate of a registered political party	Electoral district agent / Official agent	Banking, election expenses, and financial reporting	3, 7, 8
Unregistered independent candidate	Official agent	Election expenses, and financial reporting	5, 7, 8
Registered independent candidate	<ul style="list-style-type: none"> • Official representative • Official agent <p>(The Supervisor recommends that these be the same person.)</p>	<ul style="list-style-type: none"> • Contributions, financing, banking, non-election expenses, and financial reporting • Banking, election expenses and financial reporting 	5, 7, 8
Registered third party	Chief financial officer	Contributions, financing, election advertising expenses, banking, and financial reporting	6, 7, 8
Leadership contestant	Official representative	Contributions, financing, expenditures, banking, and financial reporting	4, 7, 8

2 Ongoing Financial Activities, including Contributions, Financing, and Non-Election Expenditures

The financial activities of registered political parties and registered district associations are carried out each year regardless of whether there is a provincial election or by-election being held. Contributions are received, fundraising activities are held, community events are supported, and “war chests” are stocked in anticipation of a future election.

In this chapter, the following topics are discussed:

1. Appointment of official representatives;
2. Responsibilities of an official representative;
3. Banking arrangements;
4. Budgeting;
5. Funding from the provincial treasury;
6. Harmonized Sales Tax (HST) Rebate;
7. Processing of contributions;
8. Contributions and Financing;
9. Expenditures other than election expenses;
10. Maintaining financial accounting systems;
11. Annual financial reporting deadlines; and
12. Audits.

Given the technical nature of this chapter, the relevant provision of the applicable legislation will be included in *italics*, followed by further explanation.

Where there are differences in the provisions that apply to registered political parties, registered district associations, and registered independent candidates versus leadership contestants and nomination contestants, the text is presented side-by-side so that the provisions will be easy to compare.

Since the financial activities of registered political parties and registered district associations are interwoven, they will be discussed together.

2.1 Appointment of official representatives

(Elections Act, s. 137)

Each registered political party and each registered district association must have an official representative:

137(2) Each registered political party shall, within ten days after the party becomes registered, file with the Chief Electoral Officer a notice signed by the leader of the party setting out the name and address of its official representative

137(3) Each registered district association shall, within twenty days after the association becomes registered, file with the Chief Electoral Officer a notice signed by the leader of the party associated therewith, or the official representative of such party, setting out the name and address of its official representative.

[...]

137(8) No person shall be an official representative ... of any registered political party, registered district association, registered independent candidate, registered leadership contestant or registered nomination contestant if

(a) he is not of the full age of nineteen years;

(b) he is not a Canadian citizen;

(c) he is not resident in the Province;

(d) he is disqualified from voting under the Elections Act; or

(e) he is a candidate or an election officer.

The *Elections Act* also makes provision for the replacement of such individuals as required.

The official representative is the single person responsible under legislation for public accountability of the financial affairs of a registered political party or registered district association. The person appointed as official representative is usually an officer of the party or association, such as the president or treasurer.

2.2 Responsibilities of an official representative

The official representative of a registered political party or of a registered district association is responsible for:

1. The solicitation of contributions. He or she may authorize other persons to assist in the solicitation of contributions; however, this should be documented by completing the applicable form provided by the Supervisor for this purpose.
2. The coordination and control of all other sources of revenue, including fundraising activities, membership dues, entrance fees, interest income, etc.
3. At the district association level, the issuance of interim receipts (or other form of financial records) documenting all contributions received.
4. At the political party level, the issuance of receipts for income tax purposes documenting all contributions received by the political party and its district associations.
5. The arranging and repayment of loans and other financing, including those needed for elections.
6. The preparation of annual or monthly budgets to assist in the financial management of the party or association.
7. The authorizing and control over all non-election spending.
8. Complying with the annual limits on advertising expenditures.
9. The maintenance of adequate financial accounting systems, software, or other records.
10. The submission of annual or semi-annual financial returns in a form and manner determined by the Supervisor by the deadline prescribed by the PPFA.
11. In all functions and at all times, ensuring compliance with the provisions of the PPFA.

2.3 Banking arrangements

Banking arrangements for political parties and district associations will vary depending on the nature of the party and its associations.

2.3.1 Operations

Each registered political party must have at least one bank account into which it may deposit contributions and from which it may issue payments for expenditures. Most parties also use various banking services to facilitate electronic transactions by way of credit cards, PayPal, or crowd-sourcing services (refer to section 2.3.5).

Guideline 1: A PayPal account must be treated in exactly the same manner as a bank account and accounted for accordingly.

Parties and associations with excess funds often open savings accounts or purchase guaranteed income certificates to earn interest income on such excess funds.

Guideline 2: Any bank accounts, investment certificates, and electronic payment service accounts must be established in the name of the registered political party or registered district association, not in the name of the official representative or any other person as an individual or as an individual in trust.

The officers¹ of the political party or district association would be responsible for establishing the signing officers on each bank account or facility. Banks will typically expect to receive a copy of a resolution passed by the executive officers appointing the signing officers for each bank account.

Best practice dictates that it is prudent to have two signatories on each cheque or payment authorization. Since he or she is ultimately responsible for controlling and reporting on the income and expenditures of the entity, one of the signing officers should be the official representative.

Guideline 3: A general bank account must be a chequing account for which the bank supplies statements with images of cleared transactions or makes the images electronically available to the account holder. The official representative must ensure that printed copies of all bank statements and transactions are maintained for audit and examination purposes.

2.3.2 Women's and Youth internal associations

Some political parties have internal women's associations and youth associations that support its political activities. The official representative of the registered political party may authorize such an association

¹ The officers would be established and elected pursuant to the respective constitutions of the political party and district association. Officers are registered with the Chief Electoral Officer pursuant to paragraph 133(1)(e) of the *Elections Act*. The Registry of Political Parties is published on the Elections New Brunswick website.

to maintain a separate bank account for holding its share of contributions and paying its respective expenses.

Guideline 4: The authority to initiate financial transactions for women’s, youth, and any other internal associations must be duly granted by the official representative of a registered political party to the officers of the internal association. All of the financial transactions must follow established procedures of the party, be recorded in the accounts of the party, and be reported in the financial return of the party. Contributions must be acknowledged by issuing receipts in the same manner as any other contributions made to the party.

The officers of the internal association should receive a periodic financial report from the official representative of the party detailing their association’s revenues, expenses, and balance on hand.

2.3.3 Centralized financial model for district associations and candidates

As mentioned in section 1.3, some registered political parties operate like a bank for their registered district associations and official agents of candidates, holding their respective funds on deposit and processing expenditures on their behalf.

This centralized financial model was developed by Elections New Brunswick in 2012 to address several historic problems of non-compliance with the Act, including a chronic failure to file financial returns on time. It also addressed longstanding concerns about the financial skills required of volunteers in managing and reporting on the finances of district associations and candidates.

For those registered district associations and official agents of candidates who follow this option, there are four key concepts to remember:

1. Registered political parties, registered district associations, and candidates are all considered to be distinct entities for purposes of financial reporting.
2. Decentralized authority remains in place. Official representatives of registered district associations and official agents of candidates continue to make all decisions respecting their funds on deposit with the party. Official representatives continue to authorize all non-election expenditures and official agents continue to authorize all election expenses.
3. Like a bank, the political party recognizes the funds on deposit from registered district associations and official agents of candidates as liabilities owed to the associations and official agents. These funds are deposited by the party into a separate bank account held exclusively to protect the interests of the associations and agents. This bank account is reported as an asset of the party. Using this system, associations and official agents no longer need their own bank accounts.
4. Financial administration is centralized at the party. Transactions between the party, associations, and candidates can be accomplished through accounting entries rather than by writing and depositing cheques to each other, saving bank charges, multiple accounting systems, and general administrative time and effort. All accounting is completed by the party and financial documents

are filed with the party. Financial reports are printed periodically and are used to efficiently prepare the required annual financial returns and electoral financial returns.

Guideline 5: For a registered political party that hold funds on deposit for its registered district associations or official agents of candidates, the party must maintain a separate bank account in which, at a minimum, the total of funds held on deposit is available at all times.

Political parties that follow this centralized financial model have found it to be extremely effective in facilitating the timely submission of financial returns in compliance with the Act. It relieves much financial burden and stress from their volunteers. It also helps to retain necessary financial knowledge whenever there is turnover in volunteers in the district associations.

The Supervisor promotes the use of this centralized financial model by all political parties, district associations, and their candidates. The Assistant Supervisor of Political Financing is available to train party officials and financial volunteers in adopting this model, including setting up the accounting procedures necessary to implement this system.

2.3.4 Elections

As long as a political party's accounting system appropriately distinguishes between election and non-election expenses, it does not matter from which bank account the payments are made. Thus, there is no requirement to open a separate campaign bank account.²

In the case of a registered district association which is following the centralized financial model of its party, the official agent of the candidate would also follow the same model, as described above in section 2.3.3.

In the case of a registered district association which maintains its own bank account and is not following the centralized financial model, the general practice is that the official agent of the candidate of that association will open a separate campaign bank account. Each financial institution will have its unique requirements for the name on the account. The official representative of the association will transfer funds to the official agent for the election campaign. All election expenses should then be paid by the official agent from this campaign account.³ Once the electoral activity is completed, any remaining funds are transferred back to the registered district association and the account is closed.

² For the purpose of controlling the significant expenditures made in the course of a provincial general election, a registered political party may wish to open a separate bank account and pay all of its election expenses from this account. While this technique of financial management may be helpful, it is not required.

³ The only exception to this is for such things as rent, telephone deposits, and advertising authorized by the electoral district agent or official agent of the candidate but requiring payment before the separate campaign account has been established. Such payments may be made from the regular association account by the official representative; however, they must be treated as a transfer by the official representative to the official agent when filing the annual financial return of the association and the electoral financial return of the candidate.

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If agreed to by the official representative and the official agent, or when the same individual serves as the official representative of a registered district association and the official agent of its candidate, a more efficient banking arrangement is also possible. The election expenses of the candidate may be paid from the existing bank account of the association, forgoing the need to open an additional electoral account. The Supervisor has provided an electronic template for a joint financial return (P 04 923) for this purpose. It may be found on the Elections New Brunswick website at

<http://www.electionsnb.ca/content/enb/en/political-financing/annual-financial-returns.html>.

The joint return separates the non-election expenses of the association from the election expenses of the candidate, even though they were both paid from a common bank account. Both the official representative of the association and the official agent of the candidate sign off on respective portions of the return.

2.3.5 PayPal and crowd-sourcing services

Registered political parties must be part of any attempt by their district associations or candidates to use electronic payment services (such as PayPal) and crowd-sourcing services (such as FundRazr.com) to receive contributions for their campaigns. These services facilitate the receiving of contributions; however, as already stated, all contributions must be deposited directly with the political parties. As a result, a political party must direct that any contributions made through an electronic payment service be deposited into the party's own PayPal or bank account.

Guideline 6: All contributions made through any electronic payment services must be deposited in an appropriate PayPal or other bank account of a registered political party and accounted for by the party's official representative.

PayPal charges a service fee on each transaction as a "payment provider"⁴. This service fee would be treated by the party like a bank charge.

FundRazr charges the PayPal payment provider fee and possibly an additional "platform fee". The FundRazr platform fee should be treated by the party like a bank charge. We would expect most parties would recover this additional fee by reducing the transfer of funds to the registered district association or official agent of the candidate by this amount.

⁴ In 2018, the payment provider fee charged by PayPal was 2.9% + \$0.30 per transaction.

2.4 Budgeting

Preparing a budget for the revenues, expenses, and operating surplus (or loss) of a registered political party or registered district association is an important task that an official representative should perform at least annually. With experience, the budget can be expanded to include other sources and uses of cash, such as loan repayments, collection of accounts receivable, and payment of accounts payable.

The annual financial return would serve as a good model for preparing an initial annual budget. Over time, it would be helpful to break those figures down into monthly amounts. By loading these figures into the financial accounting software used by the entity, monthly financial reports showing budget versus actual figures can be produced for the officials and members of the party or association.

2.5 Funding from the provincial treasury

The political process in New Brunswick is partially funded from the public treasury. The Legislature annually authorizes an appropriation for two payments required to be made to registered political parties:

1. An allowance for qualifying registered political parties; and
2. A reimbursement of auditing expenses.

A third payment is available to registered district associations for the reimbursement of election expenses of qualifying candidates. This payment is made from the funding provided to Elections New Brunswick to hold a provincial general election or by-election.

These payments are described in the following sections.

2.5.1 Annual allowance for qualifying registered political parties

(PPFA, ss. 31 to 36)

31 An annual allowance shall be payable for each fiscal year to the following registered political parties:

(a) every registered political party represented in the Legislative Assembly on April 1 of that fiscal year; and

(b) every registered political party which, although not represented in the Legislative Assembly, had at least 10 official candidates at the preceding general election.

[...]

34(1) The annual allowance shall be used by the registered political party to pay the costs of their current administration, to propagate their political programmes and to coordinate the political activities of their members.

34(2) If, during a calendar year, a registered political party fails to incur costs for the uses set out in subsection (1) which are equal to or greater than the amount of the annual allowance paid to it during that calendar year, the difference between that amount and the costs actually incurred by it for those uses during that calendar year shall be remitted to the Minister of Finance to be paid into the Consolidated Fund.

A sample calculation of annual allowances is provided in *Appendix A: Payments to Registered Political Parties for Fiscal Year 2018-2019*.

Beginning with the fiscal year 2019-2020, the formula for calculating the annual allowance rewards those political parties which had female candidates in the preceding general election by weighting their votes received by a factor of 1.5 times over those of male candidates.

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Please refer to the Elections New Brunswick website for the current calculation of the annual allowance:

http://www.electionsnb.ca/content/enb/en/parties_assoc/fpp.html.

2.5.2 Reimbursement of auditing expenses

(PPFA, s. 57)

The Act authorizes the Supervisor to reimburse each registered political party for its auditing expenses of up to \$7,000⁵ actually incurred by it in a calendar year for the purposes of submitting its annual audited financial return. This amount will be adjusted for inflation on January 1 of each year, based on the Consumer Price Index for Canada as published by Statistics Canada.

A sample calculation of the reimbursement of auditing expenses is provided in *Appendix A: Payments to Registered Political Parties for Fiscal Year 2018-2019*. Please refer to the Elections New Brunswick website for the current calculation of the reimbursement of auditing expenses:

http://www.electionsnb.ca/content/enb/en/parties_assoc/fpp.html.

2.5.3 Reimbursement of election expenses

The Act provides for a reimbursement of a portion of the election expenses, up to a maximum amount, of qualifying candidates. This reimbursement is payable to the registered district association of the candidate (or to his or her registered political party, if no district association is registered).⁶

For full details, please refer to section 3.4 of this manual.

⁵ Prior to 2017, the amount of the reimbursement of annual auditing expenses was \$2,000.

⁶ Prior to 2017, the reimbursement of election expenses was paid to the official agent of the candidate.

2.6 Harmonized Sales Tax (HST) rebate

2.6.1 Registered political parties

A registered political party that is eligible to receive the provincial annual allowance described in section 2.5.1 may qualify to receive a 50% rebate of the Harmonized Sales Tax (HST) that it pays on its expenditures. To be considered a “qualifying non-profit organization” under the *Excise Tax Act* (Canada), an organization must receive at least 40% of its total revenue from government funding.

The calculations of what constitutes “government funding” and “total revenue” are quite complex. Full details can be found on the Canada Revenue Agency’s website page dealing with “GST/HST public service bodies' rebates”:

<https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/gst-hst-businesses/gst-hst-rebates/gst-hst-public-service-bodies-rebates.html>

The accounting treatment for the HST paid on expenditures by a qualifying registered political party is different than the “input tax credit” accounting treatment commonly found with business enterprises. In order to maintain a “level playing field” between those political parties who qualify for the HST rebate and those who do not, the following treatment is required:

1. The full amount of an expenditure, including the HST paid, must be reported as an election expense or non-election expenditure.
2. One half (50%) of the HST paid on such an expenditure should be recorded as HST Rebate Revenue and offset by HST Rebate Receivable.

To demonstrate with an example, a purchase of office supplies for \$100 plus \$15 HST would be invoiced at \$115. The Office Supplies Expense account would show an amount of \$115 while the HST Rebate Revenue and HST Rebate Receivable accounts would each show an amount of \$7.50.

A “Purchase” entry in *Sage 50* accounting software would be recorded as follows:

Account	Account Number	Amount
Office Supplies	5XXX	115.00
HST Rebate Receivable	1XXX	7.50
HST Rebate Revenue	4XXX	-7.50
Invoice Amount		115.00

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The accounting journal entry for this transaction would be:

	Account	Account Number	Debit	Credit
Dr	Office Supplies Expense	5XXX	115.00	
Dr	HST Rebate Receivable	1XXX	7.50	
Cr	HST Rebate Revenue	4XXX		7.50
Cr	Accounts Payable	2XXX		115.00

Guideline 7: Whether an election expense, a non-election expenditure, or an asset, an expenditure made by a qualifying registered political party must be recorded at the full amount of the invoice, including Harmonized Sales Tax (HST). Fifty percent of the HST may then be recorded as HST Rebate Revenue and HST Rebate Receivable. These two components of the transaction should be recorded in one entry in the accounting system.

2.6.2 Registered district associations

A registered district association that receives a reimbursement of election expenses (refer to section 3.4) may also qualify to receive the HST rebate. The association’s official representatives should refer to the website above and then consult with financial staff at the party for guidance on making a claim for the rebate.

2.7 Processing of contributions

One of the most important functions performed by each registered political party is the processing of contributions made to the party and its registered district associations. The PPFA requires the party to issue receipts to acknowledge every contribution. The receipts are also used by residents of New Brunswick to claim a tax credit on their personal income tax returns.

In New Brunswick, contributions designated for the election campaigns of candidates are made payable to and deposited by the candidate's party. They are not made payable to the candidate, the official agent of the candidate, or the candidate's district association, as may be the case in other jurisdictions.

For full details on the requirements related to contributions, please refer to section 2.8. For specific requirements for the issuing of receipts, please refer to section 2.8.19.

Guideline 8: A registered political party must account for contributions as follows:

- 1. The party reports all contributions received by the party and its registered district associations at 100% of the value contributed.**
- 2. The party reports the portion of contributions transferred to a registered district association or official agent of a candidate as a non-election expenditure described as "Transfers to Registered District Associations and Official Agents of Candidates".**
- 3. The district association or official agent of a candidate reports such amounts received from the party as "Transfers from Registered Political Party".**

As part of the Supervisor's annual examination work, all transfers reported by a political party to district associations and official agents of candidates are matched with the transfers reported by the associations and official agents in their respective financial returns.

2.7.1 Processing of contributions under the centralized financial model

The following example will demonstrate how contributions are processed by those registered political parties using the centralized financial model.

A contribution of \$100 is received by a registered political party. It is designated to be forwarded to registered district association #1. The party and its district associations previously agreed that 40% of each contribution is retained by the party and 60% is to be transferred to the association.

A “Sales” entry in Sage 50 accounting software would be recorded as follows:

Account	Account Number	Amount
Monetary Contributions	4XXX	100.00
Transfer to Registered District Association #1	5X01	-60.00
Funds on Deposit from RDA #1	2X01	60.00
Amount received		100.00

The accounting journal entry for this transaction would be:

	Account	Account Number	Debit	Credit
Dr	Bank - Operating	1XX1	100.00	
Dr	Transfer to RDA #1	5X01	60.00	
Cr	Monetary Contributions	4XXX		100.00
Cr	Funds on Deposit from RDA #1	2X01		60.00

The party would subsequently transfer \$60 from its operating bank account to its designated account for association deposits. The accounting journal entry for this bank transfer would be:

	Account	Account Number	Debit	Credit
Dr	Bank - RDA Reserves	1XX2	60.00	
Cr	Bank - Operating	1XX1		60.00

2.8 Contributions and financing

The rules for contributions and financing tie these two sources of funds together; therefore, they are both discussed in this section.

It is very important to learn the definitions of the terms “contribution” and “financing” found in the PPFA and to understand how the terms are applied in practice.

2.8.1 Contributions

Contributions are the primary source of funds for political entities in New Brunswick.

2.8.1.1 Definition

The PPFA defines “contribution” as follows:

1(1) “contribution” means, subject to section 2, services, money or other property donated to a political party, an association, a leadership contestant, a nomination contestant or a person to support the political purposes of a political party, association, leadership contestant, nomination contestant or candidate.

As found in this definition, a contribution may be one of money (“monetary contribution”) or of property or services (commonly referred to as a “contribution in kind” or an “in-kind contribution”). Both types of contributions must be identified, recorded, receipted, and reported by political participants.

2.8.1.2 Exemptions

Several types of donations are exempted from the definition of contribution:

2(1) The following are not considered contributions under this Act:

(a) the donation by an individual of his personal services, talents or expertise, or the use of his vehicle and the product of that donation, where it is given freely and not as part of his work in the service of an employer;

Paragraph (a) is intended to encourage the voluntary participation of as many individuals as possible in the political process.

(b) amounts paid to a registered political party or candidate under any Act;

Political parties qualifying for the annual allowance payable under the PPFA are receiving amounts far in excess of the limit placed on normal contributions. The exemption under paragraph (b) is necessary to make clear that such annual allowances do not constitute a violation under the Act.

(c) Repealed;

(d) an annual amount of not more than twenty-five dollars paid by a person as dues for membership in a political party;

Guideline 9: Annual dues for membership in a political party of \$25 or less are not considered to be a contribution and a receipt must not be issued for this amount. Membership dues must be paid by the persons themselves and may not be paid by another entity, such as a registered district association, on their behalf.

(e) an amount of not more than \$85⁷ in each case paid as registration fees at political conventions;

(f) an amount of not more than ten dollars in each case paid as an entrance fee to an activity or demonstration of a political nature;

The exemptions under paragraphs (e) and (f) are designed to eliminate the formalities and administrative headaches associated with contributions – recording names, addresses, and amounts paid – at events where a large number of people would be paying comparatively small amounts of money to political parties at one particular time.

Guideline 10: A registration fee of \$85 or less in each case to attend a political convention is not considered a contribution and a receipt must not be issued for this amount; e.g. an annual general meeting, a biennial policy convention, or a leadership convention. If the registration fee exceeds \$85, then the full amount is considered to be a contribution.

Guideline 11: An entrance fee of \$10 or less in each case to attend a political activity or demonstration is not considered a contribution and a receipt must not be issued for this amount; e.g. a fundraising activity, a political rally, etc. If the entrance fee exceeds \$10, then the full amount is considered to be a contribution.

(g) without limiting paragraph (a), a donation, other than a donation of money, for political purposes made by any person, if:

(i) the donation is made out of the property or undertaking of that person;

(ii) the total value of all such donations made by that person in the calendar year is less than one hundred dollars; and

(iii) that person is not reimbursed or rewarded in any way for having made the donation.

⁷ This amount will be indexed to inflation on January 1 of each year. The Supervisor will post the indexed value on the Elections New Brunswick website.

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Under paragraph (g), minor contributions of property and services totalling \$100 or less annually are exempted from treatment as a contribution. These could include, for example, baked goods and knitting donated by an individual to raise funds at political meetings.

2.8.1.3 Transfers between associated entities

As mentioned in section 1.4, funds may be transferred between a political party, its district associations, and its official candidates. Such transfers are very common. They should be treated like a gift, in that the ownership of the funds transfers to the recipient without any obligation in return.

2(2) Nothing in this Act limits or prohibits a registered political party and any of its registered district associations or official candidates transferring to or accepting from each other funds, other property or services, if each transfer and each acceptance is recorded by the appropriate official representative, official agent or chief agent and disclosed to the Supervisor in accordance with this Act, and these transfers are not considered contributions under this Act.

This provision does not exempt an official candidate of a registered political party from the annual contribution and financing limit detailed in section 2.8.7; rather, the provision is referring to funds, held in the bank accounts of these entities, which have already been received in compliance with the Act by the respective official representative or official agent by way of contributions, financing, or funding from the public treasury.

Guideline 12: Funds, other property, or services may not be transferred between a leadership contestant and any political party, district association, candidate, or other leadership contestant.

Guideline 13: Funds, other property, or services may not be transferred between a nomination contestant and any political party, district association, candidate, or other nomination contestant.

2.8.2 Financing

In addition to contributions, a political entity may obtain credit in various forms to finance its expenditures. Financing may take the form of access to a personal line of credit, a loan from an individual, a commercial loan, or guarantees of a commercial loan.

2.8.2.1 Definition

The Act defines “financing” as follows:

1(1) “financing” means, subject to section 2,

(a) a loan or other credit granted at a fair market rate of interest for the political purposes of a political party, association, leadership contestant, nomination contestant or candidate, or

(b) any guarantee of a loan or other credit referred to in paragraph (a).

2.8.2.2 Exemptions

2(2.1) The following are not considered financing under this Act:

(a) credit that is provided or extended by a business in connection with the sale of goods or services by the business;

(b) expenditures, incurred ... by a person authorized by an official representative to make expenditures, using the person’s own money or credit that are reimbursed by the official representative;

(c) election expenses, incurred ... by a chief agent, an official agent or a person authorized by a chief agent or an official agent using his or her own money or credit, that are reimbursed by the chief agent or official agent, as the case may be;

(d) election expenses, incurred ... by a candidate using his or her own money or credit, that are reimbursed by the candidate’s official agent; and

(e) election expenses, incurred ... by the designated publicity agency of a registered political party or of a candidate using the agency’s money or credit, that are reimbursed by the chief agent of the registered political party or the official agent of the candidate, as the case may be.

Since these transactions are not subject to the definition of financing, they are not subject to the annual limit placed on contributions and financing (discussed in section 2.8.7). These exemptions allow for short-term commercial purchases and subsequent payments to suppliers or reimbursements to volunteers needed for acquiring goods and services during the heat of an election campaign. For example, a campaign team member would be permitted to pay for advertising mail-outs in excess of \$3,000, as long as he or she was reimbursed on a timely basis by the official agent of the candidate.

2.8.2.3 Loans between associated entities

As mentioned in section 1.4, loans and other credit may be provided between a political party, its district associations, and its official candidates.

2(2.2) Nothing in this Act limits or prohibits a registered political party and any of its registered district associations or official candidates from providing loans or other credit or guarantees of loans or other credit to each other, if each loan or other credit or guarantee of a loan or other credit is recorded by the appropriate official representative, chief agent or official agent and disclosed to the Supervisor in accordance with this Act, and these loans or other credit or guarantees of loans or other credit are not considered financing under this Act.

This provision does not exempt an official candidate of a registered political party from the annual contribution and financing limit detailed in section 2.8.7; rather, this provision is referring to the loaning of money held in the bank accounts of these entities that has already been received in compliance with the Act by the respective official representative or official agent by way of contributions, financing, funding from the public treasury, or transfer of funds. If one of the associated entities is in need of a short-term loan and another has enough funds available, money may be loaned by one entity to the other without being considered “financing” and thus subject to the financial limit placed by the Act on financing (refer to section 2.8.7 for further details).

Guideline 14: Funds may not be loaned between a leadership contestant and any political party, district association, candidate, or other leadership contestant.

Guideline 15: Funds may not be loaned between a nomination contestant and any political party, district association, candidate, or other nomination contestant.

2.8.3 Who may make a contribution

37(1) Only individuals may make a contribution.

Only individuals may make a contribution to provincial political entities. Unlike several other provinces, there is no requirement for an individual to be a resident of New Brunswick to be eligible to make a contribution.⁸

Effective June 1, 2017, corporations and trade unions may not make a contribution to provincial political entities.⁹

Guideline 16: Individuals operating a sole proprietorship under a registered business name may make a contribution from the funds of the proprietorship. Such a contribution must be recorded, however, under the name of the proprietor with the name of the business in parentheses; e.g. Smith, Barbara (Barb’s Beauty Salon).

Guideline 17: Unincorporated associations or groups, including partnerships such as law firms, may not make a contribution to provincial political entities.

Guideline 18: Corporations, including business enterprises, financial institutions, municipalities, and not-for-profit organizations; and trade unions may not make a contribution to provincial political entities.

Guideline 19: Federal political parties and federal electoral district associations may not make a contribution to provincial political entities.

⁸ In contrast, only an individual who is ordinarily resident in the Province may make an election advertising contribution to a registered third party (refer to section 6.6 for details).

⁹ In contrast, corporations and trade unions may make an election advertising contribution to registered third parties (refer to section 6.6 for details).

2.8.4 Who may provide financing

37(2) Only individuals, chartered banks, trust companies, credit unions and other commercial lending institutions may provide financing.

Only individuals, chartered banks, trust companies, credit unions and other commercial lending institutions may provide financing to provincial political entities. Effective June 1, 2017, all other corporations and all trade unions may not provide such financing.¹⁰

Guideline 20: Federal political parties and federal electoral district associations may not provide financing to provincial political entities. Similarly, these parties and associations are prohibited under section 373 of the *Canada Elections Act* from receiving financing from provincially-registered entities.

¹⁰ In contrast, there is no restriction on who may grant or guarantee a loan to a registered third party (refer to section 6.1 for details).

2.8.5 Who may receive contributions and financing

28 Only a registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant may solicit, collect or accept contributions or financing, or incur expenditures other than election expenses.

37(3) Contributions may only be made and financing may only be provided to a registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant.

41(1) Contributions or financing shall be solicited only under the direction of an official representative by persons authorized in writing by the official representative.

41(2) Every person authorized to solicit contributions or financing by an official representative shall, on request, exhibit a certificate signed by the official representative evidencing his authority.

42 No contribution or financing shall be made except to the official representative of the registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant for whom or for which it is intended, or to a person authorized in writing by the official representative.

The Act clearly restricts which political entities may solicit, collect, or accept contributions or financing and it states that an official representative or designate must conduct this business on behalf of each entity. As discussed in section 3.1.2.1, candidates and their electoral district agents / official agents may not solicit, collect, or accept contributions or financing.

Every person authorized to solicit contributions by an official representative shall, on request, exhibit a certificate signed by the official representative evidencing his or her authority. Refer to *Appendix B: Certificate of Authorization to Solicit Contributions* for a sample [certificate](#).

As discussed in section 4.2.2 of this manual, a leadership or nomination contestant may choose to act as his or her own official representative.

The Act then puts the onus on contributors and creditors to only make contributions or provide financing to those specified entities and only to the official representative or designate of each entity.

2.8.6 Restrictions on contributions and financing

(PPFA, s. 38)

38(1) An individual may make a contribution only out of his or her own property.

38(2) An individual, chartered bank, trust company, credit union or other commercial lending institution may provide financing only out of his or her or its own property.

38(3) No individual shall solicit or accept services, money or other property from any source

(a) as consideration or reward for having made a contribution or provided financing, or

(b) on the condition, agreement or understanding, express or implied, that the individual will, as a result, make a contribution or provide financing.

38(4) No chartered bank, trust company, credit union or other commercial lending institution shall solicit or accept services, money or other property from any source

(a) as consideration or reward for having provided financing, or

(b) on the condition, agreement or understanding, express or implied, that the chartered bank, trust company, credit union or commercial lending institution will, as a result, provide financing.

These provisions prevent any contributor or creditor from using money that is not their own to make a contribution or provide financing. For example, the following scenarios that would be forbidden under these provisions are the following:

- A parent supplying a child with money so that the child could make a contribution or provide a loan in the name of the child, thus circumventing the annual limit on contributions and financing by the parent.
- An employer funneling money to an employee so that the employee could make a contribution or provide financing, thus circumventing the prohibition on a corporation making a contribution or providing financing.
- A trade union reimbursing an official or employee of the union for tickets purchased to a political fundraising activity, thus circumventing the prohibition on a trade union making a contribution or providing financing.

2.8.7 Financial limits on contributions and financing

(PPFA, ss. 39 and 39.1)

A common financial limit of \$3,000 came into effect on January 1, 2018, for any financial support provided by way of contributions or financing to political entities in New Brunswick. It is an offence of category E to violate this limit.¹¹ Further details on offences and penalties may be found in Chapter 7.

Provisions applicable to registered political parties, registered district associations, and registered independent candidates are shown on the left of the following table. Provisions applicable to leadership contestants and nomination contestants are shown on the right, with further discussion found in section 4.3.1. The goal of these provisions is to maintain a “level playing field” for all participants, thus helping to ensure that the wealthy cannot predominate in any electoral contest:

Registered political parties Registered district associations Registered independent candidates	Leadership contestants Nomination contestants
<p><i>39(1) An individual may, during a calendar year, make a contribution or provide financing under subsection (2) that, taken together, is not in excess of ... \$3,000.</i></p>	<p><i>39.1(1) Subject to subsection (2), an individual may make a contribution or provide financing to a leadership contestant or a nomination contestant until the date on which the official representative files his or her final financial return under section 62.1.</i></p> <p><i>39.1(2) No individual shall make a contribution or provide financing under subsection (1) that, taken together, is in excess of ... \$3,000.</i></p> <p><i>39.1(3) Despite subsection (2), on the expiry of the period referred to in subsection (1), no registered leadership contestant or registered nomination contestant shall, without reasonable excuse, have outstanding liabilities incurred for the purposes of the leadership contest or nomination contest if the sum of the liabilities and any contributions the contestant has made to himself or herself exceeds ... \$3,000.</i></p>

¹¹ Upon a first conviction, a category E offence bears a fine of between \$240 and \$5,200.

<p>Registered political parties</p> <p>Registered district associations</p> <p>Registered independent candidates</p>	<p>Leadership contestants</p> <p>Nomination contestants</p>
<p><i>39(2) An individual may make a contribution or provide financing to</i></p> <p style="padding-left: 40px;"><i>(a) each registered political party or to a registered district association of that registered political party in accordance with subsection (3), and</i></p> <p style="padding-left: 40px;"><i>(b) one registered independent candidate.</i></p> <p><i>39(3) For the purposes of this section, a contribution may be made or financing may be provided under paragraph (2)(a) either to a registered political party or to a registered district association of that registered political party,</i></p> <p style="padding-left: 40px;"><i>(a) so that a portion is given to a registered political party and a portion is given to one or more registered district associations of that registered political party, or</i></p> <p style="padding-left: 40px;"><i>(b) so that portions are given to more than one registered district association of a registered political party.</i></p> <p><i>39(4) No individual shall make a contribution or provide financing in violation of subsection (1) or (2).</i></p> <p><i>39(5) A chartered bank, trust company, credit union or other commercial lending institution may provide financing to a registered political party, a registered district association or a registered independent candidate.</i></p>	<p><i>39.1(4) If the full amount of financing is secured by sureties or guarantors, a chartered bank, trust company, credit union or other commercial lending institution may provide financing to a leadership contestant or a nomination contestant in excess of ... \$3,000.</i></p> <p><i>39.1(5) Sureties and guarantors referred to in subsection (4) that are individuals shall comply with subsection (2).</i></p>

Ongoing Financial Activities, including Contributions, Financing, and Non-Election Expenditures

These provisions have been classified by the type of contributor or creditor and by the type of recipient and are summarized in the following table:

Financial support	To registered political parties, registered district associations, and registered independent candidates	To leadership contestants and nomination contestants
From individuals	<p>An individual may, during a calendar year, make contributions or provide financing to each registered political party and any combination of its registered district associations that, when totaled together within the associated group, do not exceed \$3,000; e.g. a monetary contribution of \$1,000, a contribution-in-kind from an expenditure of \$1,000 for brochures, and a loan or a loan guarantee of \$1,000 would be permitted.</p> <p>Since there are six registered political parties (in 2018), an individual could potentially donate \$3,000 to each, for a grand total of \$18,000.</p> <p>An individual may also provide contributions or financing to one registered independent candidate, subject to the same annual limit of \$3,000.</p>	<p>The limit of \$3,000 applies to financial support given by an individual to each contestant; e.g. a monetary contribution of \$1,000, a contribution-in-kind from an expenditure of \$1,000 for brochures, and a loan or a loan guarantee of \$1,000 would be permissible.</p> <p>Similar financial support may be given by the same individual to any other contestant, with the limit applying in each case.</p> <p>An individual may make a contribution or provide financing to any contestant from the moment someone decides to become a leadership or nomination contestant – this may occur prior to registering as a contestant with Elections New Brunswick – until the official representative files the final financial return with the Supervisor. Thus, contributions may be made after the date the leadership or nomination convention is held. Unlike with contributions made to parties, associations, and independent candidates, the limit applies to the full leadership or nomination contest, not to a calendar year.</p>
From financial institutions	<p>A chartered bank, trust company, credit union or other commercial lending institution may provide financing – but may not make a contribution – to a registered political party, a registered district association, or a registered independent candidate. There is no limit on the amount that may be loaned and there is no requirement to have guarantees supplied in support of the loan.</p>	<p>Financing in excess of the \$3,000 limit may be provided by a recognized financial or commercial-lending institution to a leadership or nomination contestant; however, in order to ensure that the contestant or the official representative personally remain compliant with the limit, the full amount of the loan must be secured by guarantors who are all individually compliant with the limit.</p>

2.8.8 Prohibition on accepting illegal contributions or financing

(PPFA, s. 39.3)

39.3 No registered political party, registered district association, registered independent candidate, candidate, leadership contestant or nomination contestant, and no person on its or his or her behalf, shall knowingly accept any contribution made or financing provided in contravention of this Act.

To accept contributions or financing made in contravention of the Act is an offence of category H.¹²

Please refer to section 2.8.17 to determine how such illegal contributions are to be handled.

2.8.9 Valuation of contributions of property and services

(PPFA, s. 39.2)

39.2 For the purposes of this Act, contributions other than contributions of money shall be valued as follows:

(a) in the case of property and services contributed by a trader in property and services, at the lowest price at which the trader offers the property and services to the public at the time when the contribution is made; and

(b) in the case of property and services contributed by a nontrader in property and services, at the retail price for the property and services prevailing in the area in which and at the time when the contribution is made.

Given that corporations are no longer permitted to make contributions, it follows that an incorporated “trader in property and services” may not make a contribution of property and services. If the trader is an unincorporated sole proprietorship, however, a contribution of property and services may be made and must be valued at the lowest price at which the trader offers the property and services to the public at the time when the contribution is made.

When an individual who is not a trader in property and services personally purchases property or services for use by a political entity and is not reimbursed for the purchase, such a purchase constitutes a contribution made by the individual (refer to section 2.9.3). An invoice from the supplier or other voucher documenting payment by the contributor must be kept on file by the official representative of the party (see section 2.10.3) and he or she must issue a receipt acknowledging this contribution (refer to section 2.8.19).

¹² Upon a first conviction, a category H offence bears a fine of between \$500 and \$20,500.

2.8.10 Unpaid loans and deemed contributions

(PPFA, s. 42.01)

42.01(1) If an individual waives the right to recover a loan provided under section 39, the principal and interest outstanding on the loan are deemed to be a contribution on the date of the waiver and are subject to the applicable limits under section 39.

42.01(2) A payment made by a surety or guarantor in respect of a loan is deemed to be a contribution and is subject to the applicable limits under section 39.

42.01(3) A payment made by an individual in respect of a loan is deemed to be a contribution and is subject to the applicable limits under section 39.

42.01(4) A contribution under subsection (2) or (3) shall be deemed to have been made on the date when the payment is received by the official representative of the registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant for whom or for which it is intended or, if the payment is made directly on the loan, on the date of payment.

These provisions address possible situations where a loan provided to a political entity is not repaid by the entity.

Guideline 21: When interest on a loan is either forgiven or not paid, it is deemed to be a contribution made by the lender. Since an incorporated financial institution would not be permitted to make a contribution, it follows that interest owed to financial institutions must be paid by the borrower.

2.8.11 Form of legal tender of contributions of money

(PPFA, ss. 43.1 and 44)

43.1 Subject to subsection 44(1), contributions of money may be made by cash or by cheque, credit card, debit card or other order of payment drawn by the contributor on a chartered bank, trust company or credit union on an account in the name of the contributor.

44(1) Every contribution of money of more than one hundred dollars shall be made by cheque, credit card, debit card or other order of payment drawn by the contributor on a chartered bank, trust company or credit union on an account in the name of the contributor.

44(2) A contribution of money made by cheque, credit card, debit card or other order of payment shall be made payable to the order of the registered political party, ... registered independent candidate, leadership contestant or nomination contestant, as the case may be.

Contributions of money may be made by cheque, credit card, debit card or other order of payment drawn by the contributor on a chartered bank, trust company, or credit union on an account in the name of the contributor and shall be made payable to the order of the registered political party, registered independent candidate, leadership contestant or nomination contestant, as the case may be.

Guideline 22: If a contribution is drawn on a joint bank account, the receipt must be issued to the individual signing the cheque.

Only contributions of \$100 or less may be made by cash, postal money order, or bank draft.

2.8.12 Deemed date a contribution is made

(PPFA, s. 44.1)

44.1(1) A contribution of money shall be deemed to have been made on the date when the cash, payment by cheque, credit card, debit card or other order of payment is received by the official representative of the registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant for whom it is intended.

44.1(2) Notwithstanding subsection (1), in the case of a contribution of money delivered by mail, the contribution shall be deemed to have been made on the date of the postmark on the envelope in which it was mailed.

44.1(3) A contribution other than a contribution of money shall be deemed to have been made on the date when the property or service was made available to the registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant.

44.1(4) A contribution, other than a contribution of money, that continues for more than one day during a year shall be deemed to have been made on the date the property or service was first made available during the year, and, notwithstanding section 46, one receipt showing that date may be issued for the total value of the contribution made during the year.

2.8.13 Depositing contributions of money and financing

(PPFA, s. 45)

45 All contributions of money and all financing, other than guarantees of loans or other credit, shall be deposited with a chartered bank, trust company or credit union having a place of business in the Province.

Banking arrangements are discussed in section 2.3.

An overview of the processing of contributions is discussed in section 2.7, while the procedure to process contributions, ticket sales, and other revenue collected by registered district associations is found in section 2.8.19.1.

Best practices for keeping records of contributions and expenditures are found in section 2.10.3.

A leadership or nomination contestant's official representative may use an existing personal bank account to deposit contributions of money. In most cases, however, he or she will open a separate bank account for the purposes of the contest.

2.8.14 Fundraising activities

Contributions may be generated through fundraising activities such as ticketed dinners, golf tournaments, etc.

As discussed in section 2.8.1.2, an entrance fee of \$10 or less to attend an activity of a political nature is not considered a contribution; therefore, if the price of a ticket to attend a fundraising activity is greater than \$10, the full price of the ticket is considered to be a contribution.¹³

Guideline 23: Effective January 1, 2018, the full price of a ticket costing more than \$10 to attend a fundraising activity must be treated as a contribution.

For each fundraising activity, a political party will need to track the revenues and direct costs associated with the activity in order to calculate the profit earned. If the event was held by a registered district association, then the profit will be shared and transferred to the association at a percentage agreed upon within the party. Parties will need to use “Projects” in *Sage 50* accounting software or “Tags” within *QuickBooks* accounting software to track the revenues, expenses, profit, and transfers of each activity.

[Templates](#) for these calculations and their appropriate accounting treatment are found at:

- *Appendix G1: Sample Fundraising Activity (Party pays direct costs);*
- *Appendix G2: Sample Fundraising Activity (RDA pays direct costs); and*
- *Appendix G3: Sample Fundraising Activity (PCNB).*

A fundraising ticket may be purchased in one calendar year while the event is not held until the next year. Given the provisions of the Act regarding the deemed date a contribution is made (refer to section 2.8.12), the party will need to issue a receipt in the year the ticket was purchased. Following generally accepted accounting principles, however, the revenue from the ticket sale will need to be deferred and recognized as revenue in the year in which the fundraising activity occurs, thus matching all ticket sales from the activity with the direct costs incurred to hold it.

Guideline 24: When a fundraising ticket is purchased in one calendar year and the activity is held in the subsequent year, a receipt to acknowledge the contribution must be issued in the year of the purchase while the revenue from the sale is deferred to the subsequent year.

Fundraising activities that involve a game of chance, including such simple games as 50/50 draws, are **not** permitted to be held by political entities in New Brunswick, as per the provisions of the provincial *Gaming Control Act* that are administered by the Department of Justice and Public Safety. Political entities are not charitable organizations with charitable purposes that qualify under that Act for the holding of [charitable lottery schemes](#).

¹³ Prior to 2018, only the profit portion of the price of a fundraising ticket was treated as a contribution.

Guideline 25: Political entities in New Brunswick may not hold fundraising activities that involve a game of chance.

Political events that serve alcoholic beverages must receive a [liquor licence](#) from the Department of Justice and Public Safety. If the liquor licence permits the sale of liquor and other beverages, the revenue generated from the cash bar must reported by the political entity.

Guideline 26: Assuming that the selling price is restricted by a liquor licence so that significant profits are not being made, and acknowledging that it would be unreasonable to have to record the names and addresses of the purchasers, the sales revenue from a cash bar may be reported as other income and not treated as contributions made by the purchasers of the beverages.

2.8.15 Auctions

There are two contributions related to any item sold at a fundraising auction: (a) the donation of the item to be auctioned, and (b) the purchase of the item by the successful bidder. These contributions are valued, respectively, at (a) the current retail value of the donated item, and (b) the price for which the item sold at the auction.¹⁴

The value of the donated item is determined as discussed in section 2.8.9. The value of the item donated must be evidenced by an invoice or other document indicating the name and address of the donor, the item donated, and the current retail price of the item. The invoice or other document is to be marked “Donation” and dated and signed by the official representative or designate. A receipt is to be issued for each donated item or service unless the donation is exempted from being treated as a contribution under paragraphs 2(1) (a) and (g) of the Act (see section 2.8.1.2).¹⁵ Since the donated item is a contribution of property and services, it is not eligible for an income tax credit (see section 2.8.20).

A receipt for a contribution of money is to be issued to the purchaser for the amount of the successful bid.

Guideline 27: Beginning in 2018, the full amount of the successful bid for an item at a fundraising auction must be treated as a contribution of money. The donation of the item to be auctioned will continue to be recognized as a contribution of property and services at its current retail value. Each of these contributions is subject to the \$3,000 limit for the respective contributor.

A [template](#) used to (a) track the details of each item sold at auction, (b) compile them into a financial summary, and (c) provide the appropriate accounting treatment is found in *Appendix H: Sample Auction Activity*.

¹⁴ Prior to 2018, a contribution of money was only recognized if the successful bid exceeded the retail value of the donated item. The receipt was issued at the excess of the bid over the retail value.

¹⁵ Examples of exempted donations are homemade pies and cakes, knitting, etc. These donations likely total less than \$100 in value from any individual in a calendar year.

2.8.16 Deemed contributions

The Act describes several situations where contributions are deemed to have been made to various political entities. These are described in the following sections.

2.8.16.1 Unreimbursed non-election expenditures

When a person uses his or her own money or credit to incur non-election expenditures and the expenditures are not reimbursed, the person is deemed to have made a contribution of money. Refer to section 2.9.3 for further details.

When a leadership or nomination contestant uses his or her own money or credit to incur expenditures and the expenditures are not reimbursed, the contestant is deemed to have made a contribution of money. Refer to section 2.9.4 for further details.

2.8.16.2 Unreimbursed election expenses

When a person uses his or her own money or credit to incur election expenses and the expenses are not reimbursed, the person is deemed to have made a contribution of money. Refer to section 3.2.4.2 for further details.

When a candidate uses his or her own money or credit to incur election expenses and the expenses are not reimbursed, the candidate is deemed to have made a contribution of money. Refer to section 3.2.5.1 for further details.

When a publicity agency uses its own money or credit to incur election expenses and the expenses are not reimbursed, the publicity agency is deemed to have made a contribution of money. Refer to section 3.2.8 for further details.

2.8.16.3 Discount on election expenses

Any person who accepts for election expenses a price less than his regular price for similar work, merchandise or services outside the election period is deemed to have made a contribution of property or services equal in value to the difference between his regular price and the price accepted. For further details, refer to section 3.2.7.

2.8.17 Benefit of a contribution contrary to the Act and anonymous contributions

(PPFA, s. 47)

47(1) A political party, association, candidate, leadership contestant or nomination contestant or its or his or her official representative, if any, that received a benefit of a contribution contrary to this Act shall return or remit an amount equal to the value of that contribution

(a) to the contributor, if the identity of the contributor is known, or

(b) to the Supervisor, if the identity of the contributor is not known.

47(2) The official representative of a registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant who received an anonymous contribution shall return the value of that anonymous contribution

(a) to the contributor, if the identity of the contributor can be established, or

(b) to the Supervisor, if the identity of the contributor cannot be established.

47(3) All amounts paid to the Supervisor pursuant to subsections (1) or (2) shall be remitted to the Minister of Finance and paid into the Consolidated Fund.

The value of a benefit of a contribution received contrary to the PPFA must be returned to the contributor, if the identity of the contributor is known, or remitted to the Supervisor.

As permitted by section 366 of the *Canada Elections Act*, anonymous contributions of \$20 or less may be accepted by federally-registered political entities; e.g. a collection taken up by “passing the hat” at a political meeting.

In New Brunswick, however, anonymous contributions may not be accepted by provincially-registered political entities. As noted in section 2.8.19, the PPFA requires every contribution to be acknowledged by issuing a receipt. If the identity of a contributor cannot be established, the value of this anonymous contribution must be forwarded to the Supervisor for deposit into the Consolidated Fund of the Province of New Brunswick.

Guideline 28: Anonymous contributions, including those collected by “passing the hat” at a political meeting, may not be retained by provincially-registered political entities.

2.8.18 Equitable free broadcasting time or advertising not a contribution

(PPFA, s. 48)

48(1) Every broadcasting undertaking and every publisher of a newspaper, periodical or other printed matter may, free of charge, make broadcasting time on radio or television or advertising space in a newspaper, periodical or other printed matter, available to registered political parties, registered district associations, registered independent candidates, leadership contestants or nomination contestants, if such a service is offered on an equitable basis, qualitatively and quantitatively, to all such parties, district associations, independent candidates, leadership contestants or nomination contestants.

48(2) For the purposes of this Act, free broadcasting time and free advertising space made available in accordance with subsection (1) does not constitute a contribution.

“Broadcasting undertaking” refers to programming provided by means of radio, television, and internet transmission.

2.8.19 Receipts issued to acknowledge contributions

The PPFA sets out specific requirements so that all contributions are acknowledged by issuing receipts to the contributors. The provisions are as follows:

<p>Registered political parties Registered district associations Registered independent candidates</p>	<p>Leadership contestants Nomination contestants</p>
<p><i>46(1) Every contribution to a registered political party, registered district association or registered independent candidate shall be acknowledged by a receipt issued to the contributor and signed by the official representative of the party ... or independent candidate for whom the contribution was intended.</i></p>	<p><i>46.1(1) Every contribution to a leadership contestant or nomination contestant shall be acknowledged by a contestant receipt issued to the contributor and signed by the official representative of the contestant for whom the contribution was intended.</i></p>
<p><i>46(2) Every receipt shall be in the form prescribed by the Supervisor and shall accurately record the following information:</i></p> <ul style="list-style-type: none"> <i>(a) the name and address of the contributor,</i> <i>(b) whether the contribution is one of money or otherwise,</i> <i>(c) Repealed;</i> <i>(d) the amount or value of the contribution,</i> <i>(e) the date the contribution is made, and</i> <i>(f) such other information as the Supervisor may prescribe.</i> 	<p><i>46.1(2) Every contestant receipt shall accurately record the following information:</i></p> <ul style="list-style-type: none"> <i>(a) the name and address of the contributor;</i> <i>(b) whether the contribution is one of money or otherwise;</i> <i>(c) Repealed;</i> <i>(d) the amount or value of the contribution;</i> <i>(e) the date the contribution is made; and</i> <i>(f) any other information prescribed by the Supervisor.</i>
<p><i>46(3) A receipt shall not be issued for any purpose except to acknowledge a contribution.</i></p>	<p><i>46.1(3) A contestant receipt shall not be issued for any purpose except to acknowledge a contribution.</i></p>
<p><i>46(4) Subject to subsection (5) and any guidelines issued by the Supervisor, an official representative shall retain signed duplicates of all receipts issued by him.</i></p>	<p><i>46.1(4) Subject to subsection (5) and any guidelines issued by the Supervisor, an official representative shall retain signed duplicates of all contestant receipts issued by him or her.</i></p>

Registered political parties Registered district associations Registered independent candidates	Leadership contestants Nomination contestants
<p><i>46(5) When a person resigns or otherwise ceases to hold the position of official representative, he shall forthwith deliver all unissued receipt forms and duplicates of all issued receipts in his possession</i></p> <p style="padding-left: 40px;"><i>(a) to his replacement, if any, and notify the Supervisor of the number of unissued receipts so delivered, or</i></p> <p style="padding-left: 40px;"><i>(b) to the Supervisor, if there is no replacement.</i></p> <p><i>46(6) Where unissued receipt forms and duplicates of issued receipts have been delivered to him pursuant to paragraph (5)(b), the Supervisor upon request shall deliver such unissued receipt forms and duplicate receipts to the replacement official representative.</i></p>	<p><i>46.1(5) If a person resigns or otherwise ceases to hold the position of official representative, he or she shall immediately deliver all unissued contestant receipts and duplicates of all issued contestant receipts in his or her possession</i></p> <p style="padding-left: 40px;"><i>(a) to his or her replacement, if any, or</i></p> <p style="padding-left: 40px;"><i>(b) to the leadership contestant or nomination contestant, as the case may be.</i></p>

These provisions are discussed in further detail in the following two sections.

2.8.19.1 Political parties, district associations, and candidates

All registered political parties have centralized the process of issuing “receipts”¹⁶ to acknowledge contributions made to the party, to its registered district associations, and for the election of its official candidates. Historically, books of three-part “interim receipts” have been provided by some political parties to assist their staff and the volunteers in their registered district associations in capturing the required information for each contribution.

Guideline 29: The procedure to process contributions, ticket sales, and other revenue collected by registered district associations is as follows:

- 1. Funds are received by the district association and the required information is collected for subsequent use in issuing a receipt to the contributor or purchaser. Interim receipts are an effective method of collecting the required information, particularly for donations of cash.**
- 2. A district association must not deposit funds in its local bank account; rather, all funds are deposited with the political party. Depending on the political party, this may occur in one of two ways:**
 - a. Cash and cheques are mailed or couriered directly to the party for deposit; or**
 - b. Cash and cheques are deposited directly to the account of the party using a deposit card or other banking procedures arranged by the party for this purpose.**
- 3. Details of the deposit, as documented on interim receipts or other supporting documentation, are forwarded immediately to the party so that all contributions may be properly processed on a timely basis.**
- 4. The party monitors the annual contribution limit of each contributor. If a contributor has exceeded the annual limit, the party must return the value of the contribution to the contributor.**
- 5. A portion of the contribution is returned by the party to the district association. The percentage to be returned is an internal party matter and is not determined by the Act or by the Supervisor.**
- 6. Each contribution must be acknowledged with a receipt issued by the party to the contributor.**

When contributions are collected by a party itself, contributions that are designated to the benefit of a district association or to a candidate will be processed and transferred to the association at the agreed-upon percentage.

The Supervisor provides serialized, three-part receipts in laser-printer format to each registered political party. Part 1 (white) goes to the contributor, Part 2 (yellow) is submitted with the financial return filed by the party with the Supervisor, and Part 3 (pink) is retained by the official representative. See *Appendix E: Receipt to Acknowledge Contributions* for a sample receipt.

¹⁶ The commonly-used terminology “official receipt for income tax purposes” is not found in the *Political Process Financing Act*.

Ongoing Financial Activities, including Contributions, Financing, and Non-Election Expenditures

It is the responsibility of the official representative to carefully maintain security over all unused and used receipts in his or her possession.

If requested, the Supervisor will assist in the printing of the receipts for a political party as part of their year-end procedures.

Some political parties issue a receipt for each contribution at the time of processing the contribution.

Other political parties prefer to produce an annual aggregate receipt for each contributor that reports only the total amount of contributions made in that year. So that a contributor may verify the accuracy of the receipt against his or her own records and to ensure that the provisions of the Act noted above are met, such an aggregate receipt should be issued with an attached detailed list showing the date, amount, and type of each contribution and the total as reported on the receipt. The party must retain a copy of the attachment along with its Part 3 of the receipt so that the individual contributions could be traced and audited if required.

Further, given the reporting requirements on the annual financial return of the party and given the eligibility requirements for the provincial income tax credit, one aggregate receipt must be produced for contributions of money and a second one for contributions of property and services.

Guideline 30: An aggregate receipt issued by a registered political party to a contributor should be accompanied by supporting details of each contribution. For subsequent confirmation or audit, the party must retain the details along with its part of the receipt.

Guideline 31: Separate aggregate receipts must be prepared for a contributor to acknowledge contributions of money versus contributions of property and services.

The Supervisor is also prepared to allow political parties to explore more modern methods of producing and issuing receipts to take advantage of technological efficiencies that may be available; e.g. preparing receipts in portable document format (PDF) and distributing to contributors by email.

Guideline 32: An official representative must seek the approval of the Supervisor before adopting more modern methods of producing and distributing receipts to acknowledge contributions.

Guideline 33: In the event that a receipt issued to a contributor contains an error, the official representative must endeavour to obtain Part 1 of the incorrect receipt from the contributor before issuing a replacement receipt. Part 3 of the incorrect receipt must be clearly marked "Replaced by Receipt #YYYYYY". The replacement receipt must be clearly marked as such on all three parts; e.g. "Replacement for Receipt #XXXXXX".

Guideline 34: In the event that a receipt issued to a contributor has been lost and a replacement receipt is requested by the contributor, the official representative may issue a certified copy of the party's Part 3 of the original receipt. The certified copy must bear a statement to this effect and must be re-signed and dated by the official representative.

2.8.19.2 Leadership and nomination contestants

As shown in section 2.8.19 above, the Act uses the term “contestant receipt” to distinguish those receipts issued to acknowledge contributions made to registered leadership or nomination contestants from the “receipts” issued to contributors to registered political parties, registered district associations, and registered independent candidates.

For further context on issuing contestant receipts, refer to section 4.4.

2.8.20 New Brunswick Political Contributions Tax Credit

(New Brunswick Income Tax Act, s. 50.01)

Under the *New Brunswick Income Tax Act*, only a contribution of money, made by a taxpayer who is an individual, to a registered political party, a registered district association, or a registered independent candidate is eligible for a credit against provincial income taxes otherwise payable.

Contributions of property and services are not eligible for this income tax credit, notwithstanding that a receipt must be issued acknowledging each such contribution. For this reason, the receipt form provided by the Supervisor clearly indicates this ineligibility on the face of the receipt (refer to *Appendix E: Receipt to Acknowledge Contributions*).

The maximum annual tax credit is \$500 on contributions of \$1,075. The calculation of the tax credit is found in *Appendix F: New Brunswick Political Contributions Tax Credit*.

Contributions made to leadership and nomination contestants (and to third parties) are not eligible for the New Brunswick Political Contributions Tax Credit.

2.9 Expenditures other than election expenses

The Act defines the term “expenditure” and then divides expenditures into two major groups: “election expenses” and “expenditures other than election expenses”. Election expenses are addressed in section 3.2. Expenditures other than election expenses are addressed below.

2.9.1 Definition and exemptions

(PPFA, ss. 1 and 2)

The Act defines “expenditure” as follows:

1(1) “expenditure” means any expense incurred by a political party, an association, a leadership contestant, a nomination contestant or any person for the political purposes of a political party, association, leadership contestant, nomination contestant or candidate.

It provides an exemption from this definition, however, as follows:

2(3) An expense incurred for political purposes by any person shall not be considered as an expenditure under this Act if

(a) the expense is incurred out of that person’s own money;

(b) the aggregate of all such expenses incurred by that person in the calendar year is less than one hundred dollars, and

(c) no part of such expenses is reimbursable to that person from any other person.

In practice, the term “expenditure” includes both “expenses” (in the accounting sense of economic benefits that are consumed in the current fiscal period) and “assets” (in the accounting sense of economic benefits that will be consumed in one or more future fiscal periods).

2.9.2 Authority to incur expenditures

(PPFA, ss. 28 and 49)

28 Only a registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant may solicit, collect or accept contributions or financing, or incur expenditures other than election expenses.

49(1) Expenditures other than election expenses of registered political parties, registered district associations, registered independent candidates, leadership contestants or nomination contestants shall be incurred only under the direction of the official representative by persons authorized by the official representative.

49(2) Every person authorized to make expenditures by an official representative shall, on demand, exhibit a certificate signed by the official representative evidencing his authority.

Refer to [Appendix C: Certificate of Authorization to Incur Non-Election Expenditures](#) for a sample [certificate](#).

2.9.3 Deemed contribution if expenditures not reimbursed

(PPFA, s. 49)

49(3) Any person authorized by an official representative to make expenditures shall, without delay, submit to the official representative all expenditures incurred by the person in accordance with subsection (1).

49(4) Any person authorized by an official representative to make expenditures who, out of his or her own money or credit, incurs expenditures that are not reimbursed to the person by the official representative shall be deemed to have made a contribution equal in value to the amount of the expenditures.

49(5) A deemed contribution under subsection (4) shall,

(a) in the case of expenditures incurred on behalf of a registered political party, be deemed to have been made to the official representative of that party;

(b) in the case of expenditures incurred on behalf of a registered district association, be deemed to have been made to the official representative of that district association;

(c) in the case of expenditures incurred on behalf of a registered independent candidate, be deemed to have been made to the official representative of that candidate;

(d) in the case of expenditures incurred on behalf of a leadership contestant, be deemed to have been made to the official representative of that contestant; and

(e) in the case of expenditures incurred on behalf of a nomination contestant, be deemed to have been made to the official representative of that contestant.

Guideline 35: Any person authorized by an official representative to make expenditures who, out of his or her own money or credit, incurs expenditures that are not reimbursed to the person by the official representative shall be deemed to have made a contribution of money equal in value to the amount of the expenditures.

2.9.4 Deemed contribution if leadership or nomination contestants not reimbursed

(PPFA, s. 49.1)

The Act goes on to address expenditures that are personally incurred by a leadership or nomination contestant:

49.1(1) A registered leadership contestant or registered nomination contestant shall submit to his or her official representative as soon as possible after the convention all expenditures incurred personally by him or her pursuant to subsection 49(1).

49.1(2) A registered leadership contestant or registered nomination contestant who, using his or her own money or credit, incurs expenditures that are not reimbursed to him or her by his or her official representative shall be deemed to have made a contribution to the official representative of that contestant equal in value to the amount of the expenditures.

49.1(3) All expenditures incurred by a registered leadership contestant or registered nomination contestant and submitted to his or her official representative in accordance with subsection (1) are, for the purposes of this Act, deemed to have been incurred or authorized by the official representative of the registered leadership contestant or registered nomination contestant.

An official representative may authorize the leadership or nomination contestant to personally incur expenditures. These must be reported by the contestant to the official representative as soon as possible after the convention.

If the contestant is not reimbursed for personally-incurred expenditures, then the contestant is deemed to have made a contribution of money to the official representative. In turn, the official representative is deemed to have incurred or authorized the expenditures. The deemed contribution and offsetting expenditure must be reported by the official representative in the financial return submitted on behalf of the contestant.

Guideline 36: A registered leadership contestant or registered nomination contestant who, using his or her own money or credit, incurs expenditures that are not reimbursed to him or her by his or her official representative shall be deemed to have made a contribution of money to the official representative of that contestant equal in value to the amount of the expenditures.

2.9.5 Limited annual advertising by parties, associations, and independent candidates

(PPFA, s. 50)

The Act limits the amount of money that any registered political party, registered district association, or registered independent candidate may incur in a calendar year on expenditures, other than election expenses, for advertising. The limits are intended to restrict the amount of political messaging to which the public will be subjected outside of an election period.

The Act specifies various types of media on which advertising is subject to the annual financial limits. At the same time, it exempts notices of public meetings and specific community-related and Christmas-related expenditures from the limits.

2.9.5.1 Annual advertising limits

50(1) Expenditures other than election expenses incurred by registered political parties, registered district associations or registered independent candidates for advertising on broadcasting undertakings or in newspapers, periodicals or other printed matter shall be limited so as not to exceed:

(a) in the case of a registered political party, \$200,000 in each calendar year;

(a.1) in the case of a registered district association, \$3,000 in each calendar year;

(a.2) in the case of a registered political party and its registered district associations, an aggregate amount of \$200,000; and

(b) in the case of a registered independent candidate, \$3,000 in each calendar year.

To illustrate these provisions with an example, if a registered political party had 49 registered district associations which each incurred advertising expenditures of \$3,000, totalling \$147,000, the registered political party would be able to spend \$53,000 on advertising in the same calendar year.

In order to ensure compliance with the aggregate spending limit, the official representative of each registered political party must periodically monitor advertising spending by the party's registered district associations. This will be particularly important during the year of a general election when many associations will incur "pre-writ advertising" expenditures (see section 2.9.5.5). In the annual financial return of the party, there is a schedule to report the advertising spending by the party and each of its associations, and to confirm that the associated group remained within the aggregate limit.

The limits will be adjusted for inflation on January 1 of each year and posted on the website of Elections New Brunswick.

"Broadcasting undertakings" means programming broadcast on television, radio, and over the internet; therefore, advertisements prepared for television programs that are also available for streaming over the internet are captured by this definition. For example, when a political party has a YouTube channel, the videos made available on this channel are considered programming and thus constitute a broadcasting undertaking.

It is not only the cost of the “media buys” – the radio time or the television spots – that are included in the advertising expenditures. The full cost of producing the advertisements must be included as well; e.g. artistic design, development, procurement, and production.

Guideline 37: If a party broadcasts or transmits any electronic advertising content outside an election period, the development costs to acquire the advertising content, along with the purchase of the media broadcast time, must be treated as an advertising expenditure subject to the annual advertising limits.

2.9.5.2 Exemptions from annual advertising limits

50(2) Subsection (1) does not apply to expenditures incurred by registered political parties, registered district associations or registered independent candidates for advertising on broadcasting undertakings or in newspapers, periodicals or other printed matter if such advertising is limited to:

(a) publicizing the date, time, place and subject matter of a public meeting organized by a registered political party, registered district association or registered independent candidate and an advertisement described in this paragraph may include a photo of a guest speaker and

(i) if a registered political party is responsible for organizing the public meeting, the name, short-form name, abbreviation or logo of the party, or

(ii) if a registered district association is responsible for organizing the public meeting, the name, short-form name or abbreviation of the district association or the logo of the party; and

(b) publicizing any corrections to an advertisement described in paragraph (a).

50(3) Subsection (1) does not apply to expenditures incurred by registered political parties, registered district associations or registered independent candidates for

(a) the cost of postage for the mailing of letters, printed material and cards, including Christmas cards,

(b) the production and distribution of

(i) newsletters distributed solely to members of a registered political party, and

(ii) Christmas cards, and

(c) the publication in a newspaper of season’s greetings, congratulatory messages or best wishes for community events.

2.9.5.3 Ongoing website costs not advertising

Websites are an essential platform for providing political information to the public. Registered political parties maintain a website on an ongoing basis. Some registered district associations maintain a website

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to inform the public about the political activities of the association and its elected member. As an election approaches, many campaigns will have a website developed for promoting the election of their respective candidates.

Ongoing costs associated with websites may include:

- Computer infrastructure or hardware; e.g. server hardware, software;
- Services from an internet service provider; e.g. hosting of website, registering domain names, website design, programming; and
- Updating and posting of information; e.g. videos, blogs, social media linking, itineraries, etc.

Any of the costs listed above may arise from contracted services performed by outside vendors or from wages of employees.

A website is a passive means of providing information to members of the public. It is like a virtual office. It is the choice of an individual to access the website information, similar to their choice to visit the physical office of a political party or candidate. The ongoing costs associated with websites are, therefore, generally not considered to be advertising within the meaning of the Act and, accordingly, are not subject to the annual advertising limits.

Guideline 38: Expenditures to develop and maintain a website of a registered political party or a registered district association are generally not considered to be of an advertising nature within the meaning of the Act.

2.9.5.4 Internet-based advertising not subject to annual advertising limits

An internet search engine or social media company may be paid to display an electronic advertisement in response to searches performed by an internet user or to people whose online profiles indicate they would be interested in the advertising content; e.g. Google ads or Facebook “boosted posts”. The advertisements typically direct the user to the website of the advertiser to obtain further information.

Although it is certainly advertising in every sense of the word, such internet-based advertising is not described in the provisions of subsection 50(1) and, thus, is not subject to the annual advertising limits described in section 2.9.5.1 above.

2.9.5.5 Advertising transmitted during the year of an election

During the year of an election, the annual financial limits apply to “pre-writ advertising” transmitted prior to the issue of the writs of election. For further details on pre-writ advertising, refer to section 3.3.2.

2.9.6 Advertising relating to leadership or nomination contests

(PPFA, s. 50.1)

The following provisions were modeled on provisions in the Act for candidates in provincial elections. These provisions ensure that all advertising relating to leadership or nomination contests sufficiently identifies the contestant.

50.1(1) Every printed advertisement, placard, poster, pamphlet, handbill or circular relating to a leadership contest or nomination contest and ordered by an official representative or a person authorized by an official representative shall bear the name and address of its printer and the name of the leadership contestant or nomination contestant on whose behalf it was ordered.

50.1(2) Every advertisement relating to a leadership contest or nomination contest published in a newspaper, periodical or other publication and ordered by an official representative or a person authorized by an official representative shall bear the name of the leadership contestant or nomination contestant on whose behalf it was ordered.

50.1(3) Every broadcast of a sponsored radio or television advertisement relating to a leadership contest or nomination contest and ordered by an official representative shall mention at the beginning or the end of the broadcast the name of the leadership contestant or nomination contestant on whose behalf it was ordered.

50.1(4) Any type of advertisement described in subsection (1), (2) or (3) and not ordered by an official representative or a person authorized by an official representative shall

(a) in the case of an advertisement described in subsection (1), bear the name and address of its printer and the name of the person who ordered its publication,

(b) in the case of an advertisement described in subsection (2), bear the name of the person who ordered its publication, and

(c) in the case of an advertisement described in subsection (3), mention at the beginning or at the end of the broadcast the name of the person who ordered the broadcast.

2.9.7 Costs of a nominating convention held during an election period

(PPFA, s. 67(4))

If a nomination convention for the selection of a candidate for an electoral district is held during an election period, the Act lists the following as reasonable expenses that are not treated as election expenses of the selected candidate:

1. the cost of renting a hall for the convention;
2. the cost of advertising the date, place, time, program, and organizers of the convention;
3. the cost of the convening of delegates to the convention; and
4. the cost of providing refreshments and entertainment for those attending the convention.

Any of these expenses paid for by a registered district association (or a registered political party) will be included in the non-election expenditures reported by the official representative.

Any expenses incurred in excess of the above-noted reasonable costs, however, are deemed to be election expenses incurred by the official agent of the candidate. For further details, refer to section 3.2.3.

2.9.8 Transactions with a Member of the Legislative Assembly

(Members' Conflict of Interest Act, ss. 12, 14, 18, 20)

Occasionally, a registered district association will wish to supplement the operational costs of the constituency office of its Member of the Legislative Assembly. A registered political party or registered district association may also wish to provide a salary, financial assistance, or other benefit to its Member. These transactions are discussed in the following sections.

2.9.8.1 Supplementing the costs of a constituency office

While the Legislative Assembly provides annual funding for each Member's constituency office for the payment of rent, staff salaries, and reimbursement of other costs such as communications with constituents, the Member may find the funding to be inadequate. As a result, his or her association may wish to reimburse the Member for some of these expenses.

Nothing in the PPFA prevents a registered district association from reimbursing a Member for such operational expenses; nevertheless, the association and the Member must be careful not to impair the non-partisan nature of the constituency office, either in fact or in appearance. The Legislative Assembly clearly advises Members on the acceptable use of the constituency office premises and specifically forbids a registered district association from leasing a constituency office on behalf of a member:

A Member's Constituency Office may not be used for partisan political activities. The Constituency Office Allowance is designed to encourage communication between the Member and all of his or her constituents and must be operated on a strictly non-partisan basis

The Legislative Assembly is not responsible for any leasing arrangements made by a Member for his or her constituency office premises. The lease or rental agreement must be in the Member's own name. It cannot be leased in the name of a Member's riding association

Pursuant to a decision of the Legislative Administration Committee on July 16, 2014, the Legislative Assembly will begin providing direct payment of constituency office rent on the Member's behalf.¹⁷

The Legislative Assembly also requires that any communication with constituents be non-partisan in its nature in order to qualify for reimbursement from the Constituency Office Allowance:

Communication

The Constituency Office Allowance may also be used to pay expenses related to nonpartisan communication between Members and their constituents, including but not limited to:

¹⁷ *Orientation Manual 2014*, Legislative Assembly of New Brunswick, pp. 10-12.

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(a) the cost of printed items to be distributed or sent to constituents and the cost of distribution or postage for such items, including greeting cards or other similar cards to be sent to constituents;

(b) the cost of translation services;

(c) the cost of advertisements including messages of welcome or congratulation;

(d) the cost of rental of a meeting hall for non-partisan meetings and reasonable costs associated with providing refreshments for the meeting;

(e) the cost of rental or purchase of a cellular telephone and all charges involved in its use;

(f) the purchase of certificate folders and frames for certificates of recognition to be given by Members to their constituents.

An item of communication will be disqualified for reimbursement if it bears any political party logo or uses a dominant party colour, promotes political party activities, solicits political party funds or memberships or contains personal criticism of another Member.

Members are responsible for arranging translation services for their constituency offices through private sector translators.

Advertising

The cost of newspaper advertisements publicizing the existence of a Member's Constituency Office fall within the scope of the Constituency Office Allowance. Newspaper advertisements are subject to the following content guidelines:

Allowable

- name of Member*
- picture of Member (from Member's composite)*
- location of office premises*
- office hours*
- telephone number*
- hours when Member is in the office*
- legislative address of Member*
- name of constituency office assistant*

Non-allowable

- name or logo of political party*
- use of dominant party colours*

- *statement of a partisan political nature*

*Members are encouraged to seek pre-approval of advertisements to ensure compliance with the rules.*¹⁸

2.9.8.2 Salary, financial assistance, or other benefit paid to a Member

Caution is advised if any salary, financial assistance, or other benefit is paid by a registered political party or registered district association to a Member of the Legislative Assembly. Nothing in the PPFA prevents such payments from being made; however, the *Members' Conflict of Interest Act* only permits such payments if the Member is not a Cabinet Minister:

12(2) Except as otherwise provided in section 14, nothing in this Act applies to a member of the Assembly by reason of the member receiving a salary, financial assistance or other benefit from a registered political party or a registered district association of which he or she is a member.

14(2.1) A member of the Executive Council shall not accept a salary, financial assistance or other benefit from a registered political party or a registered district association.

14(2.2) Notwithstanding subsection (2.1), a member of the Executive Council may be reimbursed by a registered political party or a registered district association for reasonable expenses incurred by the member on behalf of the registered political party or registered district association.

The *Members' Conflict of Interest Act* requires private disclosure statements to be filed by each Member with the Integrity Commissioner:

18(1) Every member shall file with the Commissioner a private disclosure statement in the form provided by the Commissioner.

18(2) A private disclosure statement shall be filed

(a) within sixty days after becoming a member of the Assembly,

(b) within sixty days after being appointed to the Executive Council, if the member has not filed a current disclosure statement as a member of the Assembly, and

(c) in each subsequent year at the time specified by the Commissioner.

18(3) Repealed;

18(4) Subject to subsection (5), a private disclosure statement shall contain

[...]

¹⁸ *Orientation Manual 2014, Legislative Assembly of New Brunswick, pp. 15-16.*

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(b) any salary, financial assistance or other benefit the member has received from a registered political party or a registered district association during the preceding 12 months, or is likely to receive during the next 12 months,

[...]

18(6) After a private disclosure statement is filed under this section, the Commissioner shall consult with the member, and the member's spouse, if available, to ensure that adequate disclosure has been made and to provide advice on the member's obligations under this Act.

18(7) A member shall file a statement of material change with the Commissioner, in the form provided by the Commissioner, within thirty days

[...]

(b) after a change in the salary, financial assistance or benefits received by the member from a registered political party or registered district association

Finally, the Integrity Commissioner publishes a public disclosure statement for each Member:

20(1) After consulting with the member under subsection 18(6), the Commissioner shall prepare a public disclosure statement on the basis of the information provided by the member.

20(2) A public disclosure statement shall

[...]

(b) state any salary, financial assistance or other benefit the member has received from a registered political party or a registered district association during the preceding 12 months, or is likely to receive during the next 12 months....

2.10 Maintaining financial accounting systems

2.10.1 Accounting methods

The accrual basis of accounting must be used by registered political parties. Revenues are recorded when earned and expenditures are recorded when they are incurred.

Registered district associations, on the other hand, are permitted to use the cash basis of accounting. Most choose this basis since it is easier to report their financial transactions when they are deposited or paid. Associations may, however, use the accrual basis of accounting if they wish to do so. Those associations following the centralized financial model offered by their party (as described in section 2.3.3) will automatically be using the accrual basis of accounting.

2.10.2 Accounting software applications

The financial transactions of a registered political party are sufficiently complex that computerized accounting software should generally be used by the party.¹⁹ This means, of course, that the official representative, staff, and/or volunteers performing the accounting must be adequately trained in the operation of the software and in its application to the unique features of political financing as described in this manual.

Given the detailed reporting required for contributions, several parties also have a stand-alone membership and contributor database application which is used to record all contributions and to issue receipts. If details of contributions are recorded in such a stand-alone application and only summaries of the transactions are recorded in the financial accounting software, it is crucial that the two systems are reconciled at least monthly to ensure that contributions are always correctly recorded. This will permit the preparation of financial returns to proceed much more smoothly.

Guideline 39: If using a stand-alone software application to process contributions and to issue receipts, the official representative of a registered political party must ensure that the records of such a stand-alone system are reconciled at least monthly with the contributions recorded in the accounting software used for the general ledger of the party.

The chart of accounts in the general ledger of a registered political party should be set up so that it readily accumulates the figures that need to be reported in various financial returns that are required to be submitted to the Supervisor. For example, the annual financial return of a party includes an income statement where all revenues and expenses of the party are reported. The expenses are generally classified as non-election expenses and election expenses.

¹⁹ In 2018, registered political parties were primarily using *Sage 50* accounting software.

Following an election but prior to the annual financial return being audited and submitted, the chief agent of the party must submit an electoral financial return for the party. This sworn financial return simply reports the election expenses incurred by the party. Given the official representative's greater experience in filing financial returns, the electoral financial return should be prepared by the official representative of the party based on the transactions recorded in the financial accounting software of the party and then provided to the chief agent for his or her review, approval, signature and submission to the Supervisor.²⁰

Official representatives of registered district associations may use any form of record-keeping that they wish; e.g. accounting software, electronic spreadsheets, or manual cash journals. The Supervisor encourages them to use the template of the annual financial return to record their financial transactions. It uses a spreadsheet format that would meet the information needs of an association for both its internal financial reporting and its financial reporting to the Supervisor.

2.10.3 Best practices for keeping records

Each official representative must keep a record of all financial transactions. This can be accomplished most effectively by observing the following best practices:

1. Ensure that all bank or similar accounts to be used for payment of expenditures provide a monthly statement and images of cleared cheques.
2. Make most payments by cheque or electronic transfer. Petty cash disbursements should be kept to a minimum.
3. Retain invoices or other documents (receipts, vouchers, etc.) supporting all expenditures. Please note that a credit/debit card slip is acceptable only if it includes full details of the expenditure, not just the total value of the debit or credit charge. In the case of a political party, the party's auditor will require this supporting documentation when performing the audit and the Supervisor may request certain documents to be submitted subsequent to the financial return. In the case of district associations and independent candidates, the Supervisor will require certain documentation to be submitted for use in examining their financial returns.
4. All documentation should be retained for six years plus the current year.
5. If necessary, maintain a petty cash fund to handle minor expenses that are normally paid in cash. To operate such a fund, simply draw a cheque on an operating account for a reasonable sum (\$100 - \$200).

This money should be placed under the care of one individual. At any point in time, the cash on hand plus the total of the receipts for invoices paid from the petty cash fund should be equal to

²⁰ In some cases, the official representative and the chief agent will be the same person fulfilling the responsibilities of both roles.

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the original amount of the fund. Replenish the petty cash fund by drawing another cheque on the operating account for an amount equal to the total of paid receipts.

Invoices, receipts, and vouchers for expenditures paid out of the petty cash account should also be retained as described above.

Replenish the petty cash fund in full at the end of the calendar year. All expenses paid from the petty cash fund are to be included in the financial return submitted to the Supervisor.

6. Deposit completely all contributions and other monies received into an authorized bank account **of the party**. Do not use cash received for contributions, fundraisers, or other monies to pay for expenditures. Any departure from this rule makes record-keeping extremely difficult.
7. Retain a copy of each bank deposit slip. Deposits should be made on a regular basis and the deposit slip should be completed in proper detail; i.e. show the name of each contributor and amount of contribution when paid by cheque. For contributions made in cash, attach details of those contributors. Promptly forward the details of all deposits as directed by the party's official representative so that contributions may be correctly processed.

For financial returns prepared on an accrual basis, in addition to records of each receipt and disbursement, it will be necessary to also take into account:

1. Expenses incurred but not paid prior to the end of the period covered by the financial return; i.e. accounts payable.
2. Expenses incurred for which bills have not yet been received; i.e. accruals.
3. Interest on deposits or on other investments which has been earned but which has not yet been received; i.e. accrued interest receivable.
4. Share of contributions owed to district associations at year-end; i.e. contributions due to registered district associations.

2.11 Annual financial reporting deadlines

2.11.1 Registered political parties

(PPFA, ss. 58 and 59)

For each calendar year, the official representative of each registered political party shall submit two financial returns to the Supervisor:

1. An unaudited return, covering the first six months of the year, to be submitted not later than September 30 of that year; and
2. An audited return, covering the twelve months of the year, to be submitted not later than May 31 of the following year.

The audited financial return shall be accompanied by the second part of all receipts issued for the contributions received, along with any other financial documents required by the Supervisor.

The Supervisor has provided an electronic template for the annual financial return for a registered political party. It may be found on the Elections New Brunswick website at

<http://www.electionsnb.ca/content/enb/en/political-financing/annual-financial-returns.html>.

2.11.2 Registered district associations

(PPFA, s.60)

Not later than March 31 in each year, the official representative of each registered district association shall submit a financial return to the Supervisor for the preceding calendar year.

The financial return of a registered district association shall be accompanied by any financial documents required by the Supervisor.

The Supervisor has provided an electronic template for the annual financial return for a registered district association. It may be found on the Elections New Brunswick website at

<http://www.electionsnb.ca/content/enb/en/political-financing/annual-financial-returns.html>.

2.11.3 Extension of submission date

(PPFA, s.61)

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When the due date for political parties and district associations submitting financial returns falls during an election period, the date shall be extended to 90 days after the polling day of the election. This will apply to the June 30th returns for political parties during the year of a scheduled general election.²¹

²¹ Pursuant to subsection 3(4) of the *Legislative Assembly Act* and subsequent to the September 24, 2018, general election, a provincial general election will be held every four years on the third Monday in October.

2.12 Audits

2.12.1 Audit of annual financial return of registered political party

(PPFA, ss. 51-57)

51 The official representative of each registered political party shall, within sixty days of the party being registered under the Elections Act, appoint an accountant practising in the Province to serve as the auditor of that party.

52 The official representative shall give written notice to the Supervisor of the name and address of each auditor appointed under section 51 within thirty days of such appointment.

53 The Supervisor, members of the Legislative Assembly, persons ineligible to vote under the Elections Act, candidates, official representatives, chief agents and official agents shall not hold the position of auditor of a registered political party.

54 The official representative of a registered political party on a written authorization signed by the leader of the party may replace the auditor for that party at any time by giving written notice of the replacement appointment to the Supervisor.

55 The auditor for a registered political party shall examine the financial return referred to in paragraph 59(1)(b) and report, if such is the case, that, based upon the transactions recorded in the books, accounts and other records of the party,

(a) the financial return is presented fairly;

(b) the auditor has made an examination of the financial return in accordance with generally accepted auditing standards; and

(c) the accounting procedures of the party are in accordance with generally accepted accounting principles and with the guidelines for party accounting issued by the Supervisor under section 14.

56 The auditor shall have access to all the books, accounts and other records of the registered political party pertaining to assets, liabilities, contributions and other revenues and expenditures and may obtain all the pertinent information the auditor considers necessary.

The reimbursement of the auditing expenses of a registered political party of up to \$7,000 annually is discussed in section 2.5.2.

One of the unique risks that an auditor must consider is whether revenues are overstated as a result of any contributor exceeding the \$3,000 annual limit in contributions and/or financing. If the limit was exceeded and the contributions not returned by the official representative prior to year-end, then the excess contributions would need to be adjusted in the accounts and set up as liabilities. The excess contributions would then have to be treated as described in section 2.8.17.

2.12.2 Audits of other financial returns

(PPFA, s.64)

64 The Supervisor may require that the financial return of any registered district association, registered independent candidate, registered leadership contestant or registered nomination contestant be audited by an accountant appointed by the Supervisor.

An audit of any of the financial returns prescribed above would only be required by the Supervisor in unusual circumstances.

3 Elections: Political Parties, District Associations, and Candidates

The participants in a provincial general election or by-election include the following:

- Registered political parties, their chief agents, and, if so designated, their publicity agencies;
- Registered district associations and their official representatives;
- Nomination contestants and their official representatives;
- Official candidates of registered political parties and their electoral district agents / official agents;
- Unregistered independent candidates and their official agents;
- Registered independent candidates and their official representatives and official agents; and
- Registered third parties and their chief financial officers.

The first step in becoming an official candidate of a registered political party in a provincial election is to seek the nomination in the electoral district where the person intends to run. Information for **nomination contestants** is provided in Chapter 4 and should be read first before proceeding with the rest of this chapter.

Information for **political parties, district associations, and their official candidates** is provided in this chapter where the following topics are discussed:

1. Roles and responsibilities of officials within parties, associations, and campaigns;
2. Election expenses;
3. Electoral activities;
4. Public funding to reimburse election expenses;
5. Accounting systems for electoral activities; and
6. Electoral financial reporting deadlines.

Information for **independent candidates** begins in Chapter 5 but returns to this chapter for relevant topics.

Information for **third parties** is covered in Chapter 6.

3.1 Roles and responsibilities of officials within parties, associations, and campaigns

Running a provincial election campaign is a huge undertaking involving party staff and many volunteers. Each participant has a specific, yet interrelated, role to play as a member of the larger team. These roles and their responsibilities are discussed in this section.

3.1.1 At the political party level

The roles and responsibilities of the following participants in the election campaign of a registered political party are discussed in this section:

1. Official representative;
2. Chief agent; and
3. Campaign chair/manager.

3.1.1.1 Official representative

As discussed in section 2.2, the official representative of a registered political party is responsible for soliciting all contributions and arranging all financing for the party, including those contributions and financing needed to fund the party's electoral activities.

The official representative must collaborate with the chief agent of the party on a budget for the party's election expenses.

The official representative pays all election expenses authorized by the party's chief agent and maintains the appropriate accounting records. Using reports provided from the accounting system, the official representative prepares the electoral financial return needed by the chief agent.

3.1.1.2 Chief agent

(PPFA, sections 68 and 69)

68 A registered political party intending to incur election expenses shall have a chief agent.

3.1.1.2.1 Appointment of the chief agent

(Elections Act, s. 138)

138(2) Each registered political party shall, within ten days after the party becomes registered, file with the Chief Electoral Officer a notice signed by the leader of the party setting out the name and address of its chief agent.

138(3) The chief agent of a registered political party may be the same person as the official representative of that party if he is registered with the Chief Electoral Officer both as official representative and as chief agent of that party.

[...]

138(6) Only one chief agent shall be registered for each registered political party at any one time...

Further, under subsection 138(9), no person shall be a chief agent of any registered political party if

- (a) he or she is not of the full age of nineteen years;
- (b) he or she is not a Canadian citizen;
- (c) he or she is not resident in the Province;
- (d) he or she is disqualified from voting under the *Elections Act*; or
- (e) he or she is a candidate or an election officer.

3.1.1.2.2 Replacement of chief agent

(PPFA, section 69)

69(4) Notwithstanding the Elections Act, if the chief agent of a registered political party ... dies, resigns or becomes unable to act during an election period the leader of the party ... shall forthwith appoint a new chief agent ... by a writing signed by such leader ... and filed with the Chief Electoral Officer.

69(5) Notwithstanding the Elections Act, the leader of a registered political party may, during an election period, dismiss the chief agent of his party and appoint another by a writing signed by him and filed with the Chief Electoral Officer.

Guideline 40: When a chief agent is replaced by the leader of a registered political party, any election expenses incurred by the former chief agent must be included in the electoral financial return of the party submitted by the replacement chief agent.

3.1.1.2.3 **Responsibilities of chief agent**

The chief agent of a registered political party is responsible for:

1. As needed, appointing electoral district agents prior to the election period. For full details, refer to section 3.1.2.3.
2. Ensuring compliance with the election spending limit and other constraints contained in the provisions of the Act. For full details on election expenses, refer to section 3.2.
3. Collaborating with the official representative of the party on a budget for the party's election expenses.
4. Authorizing and controlling all election-related spending on behalf of the party. Only the chief agent of the registered political party, or someone authorized by him or her, may incur election expenses for the party's election campaign. The chief agent should exercise caution in the delegation of his or her authority to incur election expenses.
5. Providing supporting documentation to the official representative for payment and accounting of all election expenses.
6. Reviewing, approving, signing and submitting the electoral financial return supplied by the official representative.

3.1.1.3 Campaign chair/manager

The Act does not speak of the role of a campaign chair/manager for a registered political party in a provincial election campaign; therefore, it is a campaign chair/manager's responsibility to understand and respect the legislated responsibilities assigned to the party's official representative and chief agent. In managing the campaign, he or she will need to communicate regularly with the chief agent and obtain the necessary authorization to incur any election expense.

3.1.2 At the district association and candidate level

The roles and responsibilities of the following participants in the election campaign of a candidate are discussed in this section:

1. Candidate;
2. Official representative of registered district association or registered political party;
3. Electoral district agent / official agent of candidate; and
4. Campaign manager.

3.1.2.1 Candidate

Candidates in a provincial election do not personally manage the finances of their election campaign. Rather, the Act provides for two officials to manage respective portions of the finances of an election campaign:

- The official representative of the candidate's registered district association (or registered political party) is responsible for soliciting contributions and arranging financing to fund the election expenses; and
- An electoral district agent / official agent is responsible for managing the spending of the funds provided by the official representative.

As discussed in section 2.8.5, the Act clearly identifies who may receive contributions and financing and obligates contributors and creditors to only make contributions or provide financing to those specified entities.

Candidates and their electoral district agents / official agents may not solicit, collect, or accept contributions or financing. When a candidate wishes to make contributions or provide financing to his or her campaign, the candidate must provide any such financial support to his or her registered district association (or registered political party), which may then transfer funds to the electoral district agent / official agent of the candidate.

Guideline 41: No candidate, electoral district agent, or official agent of a candidate may solicit, collect, or accept contributions or financing.

Guideline 42: No contribution may be made nor financing provided to a candidate, electoral district agent, or official agent of a candidate.

Despite the role of the official agent, during an election period a candidate may incur reasonable expenses, out of his or her own money, for his or her own lodging, food, and transportation for travel for election purposes. If such expenses are not reimbursed to the candidate by the official agent, they do not

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constitute election expenses. If they are reimbursed to the candidate by the official agent, they are considered to be election expenses. Refer to section 3.2.3 for further details.

As discussed more fully in section 3.2.5, the Act provides that a candidate may personally incur election expenses of up to \$2,000 during an election period without the prior approval of the official agent.

The nomination paper of each candidate, filed with the returning officer, must be accompanied by a deposit of \$100. This deposit will be returned by the Supervisor to the candidate once the candidate's official agent submits the electoral financial return on behalf of the candidate. This deposit is not considered an election expense of the candidate (refer to section 3.2.3).

3.1.2.2 Official representative

An official representative is responsible for soliciting all contributions and arranging all financing to fund the election expenses of a candidate's campaign.

In the case of an official candidate of a registered political party, the official representative of the candidate's registered district association will fulfill this role. If no district association is registered, the official representative of the party must fulfill this role.

The responsibilities of an official representative with respect to an election campaign are to:

1. Solicit contributions:
 - a. Supervise the solicitation of contributions;
 - i. Issue signed certificates authorizing persons to solicit contributions;
 - b. Receive contributions of money;
 - i. Follow the party's procedures for depositing and processing contributions, including the guidelines for PayPal and crowd-sourcing services found in section 2.3.5;
 - c. Determine the retail value of contributions of property and services and forward details to the official agent of the candidate;
 - d. Not knowingly accept any contribution made in contravention of the Act;
 - i. Return to the contributor any contribution made contrary to the Act or forward said contribution to the Supervisor (refer to section 2.8.17);
2. Coordinate fundraising activities and identify other sources of revenue:
 - a. If a fundraising activity is held during the election period, advise the official agent of the direct costs of the event so that they can be included with the election expenses of the candidate (refer to section 3.3.7);
3. Consider the probability of receiving the reimbursement of the election expenses of the candidate;
4. Arrange loans and other credit, if necessary;
5. Collaborate with the electoral district agent / official agent on a budget for the election expenses;
6. Transfer sufficient money to the electoral district agent / official agent to fund the election expenses;
7. Only if authorized by the electoral district agent / official agent to do so, incur election expenses on behalf of the agent;
8. Advise any incorporated supplier that accepting for election expenses a price that is lower than the supplier's regular price outside the election period is prohibited. In such a case with a

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proprietorship or individual, identify a deemed contribution and advise the electoral district agent / official agent of the candidate accordingly;

9. If to be used again in the current election, determine the current retail value of advertising materials – typically signs – used in a previous election;
10. Ensure all pre-writ advertising respects the \$3,000 annual limit of the association;
11. If a nomination convention is held during the election period, advise the official agent of any excessive expenses that must be reported as election expenses of the candidate;
12. Receive the reimbursement of election expenses when the candidate is eligible, and transfer additional funds to the official agent, if necessary;
13. Include the activities described above in the annual financial return of the registered district association submitted to the Supervisor:
 - a. Maintain adequate financial records;
 - b. Account for transfers of funds made between the party, district associations, and the electoral district agent / official agent of the candidate;
 - c. Prepare the return in accordance with any relevant Guidelines and the Act;
14. Ensure compliance with the Act and the Guidelines:
 - a. Do not commit an offence by knowingly making a false statement in any financial return, statement, or other document filed with the Supervisor; and
 - b. Do not commit an offence by violating or failing to comply with provisions of the Act.

3.1.2.3 Electoral district agent / official agent of candidate

Every candidate for election must have an official agent. An official agent of a candidate is responsible for managing the spending of the funds supplied by the official representative for the candidate's election expenses. He or she must collaborate with the campaign manager and electoral team so that all are aware of the legislated spending limit on election expenses and the funds actually available.

In the fixed-date election environment, election expenses frequently need to be incurred before the election period. For this to legally occur, the chief agent of a political party must first appoint an "electoral district agent" for an electoral district. Unless dismissed by the candidate, the electoral district agent will be the official agent of the candidate. The details of these steps are discussed in the following sections.

3.1.2.3.1 Appointment of electoral district agent

(Elections Act, s. 138(7), (8), and (9))

138(7) ... the chief agent of a registered political party may, on the written authorization of the leader of that party, appoint at any time not more than one electoral district agent for that party for each electoral district and file the name and address of such appointment with the Chief Electoral Officer.

138(8) An electoral district agent of a registered political party may be the same person as the official representative of a registered district association of that party if he is registered with the Chief Electoral Officer both as an official representative and as an electoral district agent.

Further, pursuant subsection 138(9), no person shall be an electoral district agent if

- (a) he or she is not of the full age of nineteen years;
- (b) he or she is not a Canadian citizen;
- (c) he or she is not resident in the Province;
- (d) he or she is disqualified from voting under the *Elections Act*; or
- (e) he or she is a candidate or an election officer.

With the appointment of an electoral district agent, this person may incur election expenses prior to the election period and even prior to a candidate being selected. The election expenses incurred will be included in the election expenses reported by the candidate's official agent.

The Supervisor has provided [form P 04 831](#) for registering an electoral district agent. The registration form is also attached as *Appendix M: Appointment of Electoral District Agent*.

3.1.2.3.2 **Appointment of official agent**

(PPFA, s. 69)

69(1) Every candidate at an election shall have an official agent.

69(2) Notwithstanding subsection (1) but subject to subsection (6), the electoral district agent, if any, of a registered political party for a particular electoral district shall be the official agent of the official candidate of that party in that district.

69(3) Any candidate, including the official candidate of a registered political party, who does not have an official agent registered with the Chief Electoral Officer on the date his nomination paper is filed shall, within three days of that date, appoint an official agent by a writing signed by him and filed with the Chief Electoral Officer.

69(4) Notwithstanding the Elections Act, if the ... official agent of a candidate dies, resigns or becomes unable to act during an election period ... the candidate ... shall forthwith appoint a new ... official agent by a writing signed by such ... candidate... and filed with the Chief Electoral Officer.

[...]

69(6) Notwithstanding the Elections Act, a candidate may, during an election period, dismiss his official agent and appoint another by a writing signed by him and filed with the Chief Electoral Officer.

69(7) The ... official agent of a candidate appointed pursuant to subsections (3), (4) ... or (6) shall be registered by the Chief Electoral Officer.

Further, under subsection 69(8)), no person shall be an official agent of any candidate if

- (a) he or she is not of the full age of nineteen years;
- (b) he or she is not a Canadian citizen;
- (c) he or she is not resident in the Province;
- (d) he or she is disqualified from voting under the *Elections Act*; or
- (e) he or she is a candidate or an election officer.

The candidate names his or her official agent on the candidate's nomination paper filed with the returning officer. This step confirms or dismisses an electoral district agent as the candidate's official agent, or simply appoints an official agent if no electoral district agent had previously been appointed.

Guideline 43: When an electoral district agent or an official agent is replaced by a candidate, any election expenses incurred by the former agent must be included in the electoral financial return submitted by the replacement official agent.

3.1.2.3.3 **Responsibilities of electoral district agent / official agent**

Only the electoral district agent / official agent may authorize election expenses for a candidate, and only the electoral district agent / official agent or a person authorized by the electoral district agent / official agent may incur such election expenses.

The responsibilities of an electoral district agent / official agent with respect to an election campaign are to:

1. In collaboration with the official representative of the registered district association (or registered political party), prepare a budget within the spending limit fixed by the Act for election expenses and within the funds expected to be available;
2. Consult with the party's official representative or financial officer to determine which of the following three banking arrangements the party expects the official agent to follow:
 - a. The party follows a centralized financial model for the official agent, eliminating any need to open a campaign bank account. Refer to section 2.3.3 for details.
 - b. Open, and be a signing officer on, a new campaign bank account. Refer to section 2.3.4 for details.
 - c. If the electoral district agent / official agent is also the official representative of the registered district association, use the existing bank account of the association, eliminating any need for a second bank account. Refer to section 2.3.4 for details.
3. Receive and deposit funds supplied by the official representative;
4. Manage all election expenses:
 - a. Authorize and/or incur all election expenses, or authorize other persons to incur them:
 - i. Issue signed certificates authorizing persons to incur election expenses;
 - ii. Ensure all election advertising bears the required identification disclosures under section 73 of the Act. Refer to section 3.3.3.1 for further details.
 - iii. Reimburse all election expenses incurred by persons using their own money or credit (refer to sections 2.8.2.2 and 3.2.4 for details);
 - iv. Identify election expenses, if any, incurred by the official representative:
 1. Identify expenditures to be allocated between pre-writ and election expenses;
 2. Request information on current retail value of previously-used signs;
 3. Request information on excessive expenses of a nominating convention held by the registered district association during the election period. If any, these are deemed to be election expenses incurred by the official agent;

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The Act does not speak of the role of a campaign manager for a candidate in a provincial election campaign; therefore, it is a campaign manager's responsibility to understand and respect the legislated responsibilities assigned to the candidate's electoral district agent / official agent and the registered district association's official representative. In managing the campaign, he or she will need to communicate regularly with the electoral district agent / official agent and obtain the necessary authorization to incur any election expense.

3.1.3 Volunteers

The Act attempts to encourage the participation of volunteers in the political process. As explained in section 2.8.1.2, the donation by an individual of his or her personal services, talents, or expertise, or the use of his or her vehicle, where it is given freely and not as part of his or her work in the service of an employer, is not considered a contribution. In turn, such a donation is not considered an election expense of a political party or candidate.

3.1.3.1 Leaves of absence from work

For an individual to work on an election campaign during his or her normal hours of work, the individual would have to either:

1. take vacation time to which he or she is otherwise entitled;
2. take a leave of absence without pay; or
3. be paid as an employee or contractor by a political party or official agent of a candidate.

Some federal and provincial public sector employees are restricted from engaging in political activity or may need prior approval from their employer. It is the responsibility of an individual to obtain any approval required by his or her employer.

Federal legislation grants access to the political process for employees of employers doing any work, undertaking, or business that is within the legislative authority of the Parliament of Canada²²; however, such rights are not provided in provincial legislation and employers are under no obligation to grant a leave of absence when one is requested by an employee.

If an employer were to offer an employee a leave of absence with pay to either run as a candidate or to serve as a campaign worker, the paid leave of absence would constitute a contribution of services by the employer, as per the definition of contribution described in section 2.8.1.1. Since most employers are corporations or trade unions and neither of these entities are permitted to make political contributions, such a leave of absence is not permitted. This prohibition would also apply to leaves of absence granted to employees of political parties registered federally or in other provincial jurisdictions.

Finally, a trade union would not be permitted to reimburse an employer for one of its members to be absent from his or her workplace – trade unions may use the term “booking off” to describe this arrangement – in order to participate in an electoral campaign. The payment by the union would essentially allow the employer to make the contribution of services with no net cost to the employer; however, the contribution by the employer is prohibited as described above.

²² *Canada Elections Act* (Canada), s. 80, “Every employer of employees to whom Part III of the *Canada Labour Code* applies shall, on application, grant any such employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for the period during the election period that may be requested.”

3.2 Election expenses

This section will delve into the many provisions of the Act related to election expenses.

3.2.1 Definitions

(PPFA, ss. 1 and 67; *Elections Act*, s. 2))

It is essential to understand several definitions provided in the *Elections Act* and the *Political Process Financing Act*:

Elections Act, s. 2 “an election period” means the period commencing with the issue of a writ for an election and ending when the candidate or candidates have been returned as elected.²³

PPFA, s. 67(1) In this Act “election expenses” means all expenditures incurred during an election period for the purpose of promoting or opposing directly or indirectly, the election of a candidate or that of the candidates of a party, including every person who subsequently becomes or who is likely to become a candidate, and includes all expenditures incurred before an election period for literature, objects or materials of an advertising nature used during the election period for such purposes.

1(1) “election expenses of a registered political party” means election expenses incurred or authorized, or deemed to have been incurred or authorized, by the chief agent of that party and includes the value, determined in accordance with ... [section 39.2], of every contribution, other than contributions of money, made during an election to that party;

“election expenses of a candidate” means election expenses incurred or authorized, or deemed to have been incurred or authorized, by the official agent of that candidate, and includes the value, determined in accordance with ... [section 39.2], of every contribution, other than contributions of money, made in relation to the candidate during an election,

(a) in the case of an official candidate of a registered political party,

(i) to the official representative of the registered district association associated with that party in the electoral district in which that person is a candidate, or

(ii) if there is no registered district association associated with that party in the electoral district in which that person is a candidate, to the official representative of that party; or

(b) in the case of any other candidate, to that candidate;

²³ The return of the writ naming the elected candidate occurs 11 days subsequent to ordinary polling day; therefore, a typical general election period would last 44 days.

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Note that the difference between election expenses of a registered political party and election expenses of a candidate is based on whether it was the chief agent of the party or the official agent of the candidate who authorized the expenses. This distinction is important in certain circumstances. For example, a chief agent may purchase a regional advertising package on behalf of a number of candidates and subsequently recover from each respective campaign a fair portion of the advertising cost, but only if each candidate's official agent gave prior authorization to the chief agent to proceed with this financial arrangement. Otherwise, the cost of the advertising would have to be borne by the chief agent as an election expense of the party.

As provided above, the value of contributions of property and services consumed during an election must be included in election expenses. As discussed in section 2.8.9, such contributions and election expenses must be valued at current retail value. The contributions of property and services are listed on the electoral financial return of the candidate. The official representative of the candidate's registered political party will use this listing and a copy of the supporting invoices to issue a receipt to acknowledge each contribution of property and services.

Similarly, goods or services provided at a discount from their regular price are deemed to include a contribution equal to the value of the discount and this contribution must be included in the election expenses of the party or candidate. Refer to section 3.2.7 for further details.

3.2.2 Spending limits on election expenses

(PPFA, ss. 77, 77.1, and 80)

Spending limits are placed on how much registered political parties and candidates may spend to contest elections. The limits are calculated from base amounts per elector multiplied by the number of electors registered in each electoral district at the time the “preliminary list of electors” is prepared; i.e. on the day the writ of election is issued. The base amounts are adjusted on January 1 of each year based on the Consumer Price Index for Canada (the “CPI”).

The limits are calculated differently for a general election than for a by-election. In both cases, however, there is a “floor” and a “ceiling” built into the formulas so that wider fluctuations in the number of registered electors per electoral district are curtailed when determining the spending limits.

For a registered political party, the spending limit reflects only those electoral districts in which it has candidates.

Refer to the [Political Financing / Information and Guidelines](#) page on the website of Elections New Brunswick for the calculation of the spending limits for the pending (or most recent) provincial general election or by-election:

http://www.electionsnb.ca/content/enb/en/political-financing/information_guidelines.html.

3.2.3 Expenses not considered election expenses

(PPFA, ss. 2 and 67)

67(2) Notwithstanding subsection [67](1), "election expenses" does not include:

(a) the publishing in a newspaper or other periodical of editorials, news, reports, or letters to the editor, if

(i) they are published in the same manner and under the same standards as prevail outside an election period, without payment, reward or promise of payment or reward, and

(ii) the newspaper, or other periodical is not established for the purpose of the election or with a view to the election;

(b) the transmission by a broadcasting undertaking of a broadcast of news or comment, if such broadcast is made in the same manner and under the same standards as prevail outside the election period, without payment, reward or promise of payment or reward;

(c) the reasonable expenses incurred by a candidate or any other person, out of his own money, for his own lodging and food during a journey for election purposes, if such expenses are not reimbursed to him;

(d) the reasonable expenses incurred by a candidate, or any other person, out of his own money, for his own transportation, during a journey for election purposes, if such expenses are not reimbursed to him;

(e) the sum required to be deposited with a candidate's nomination paper;

(f) the reasonable expenses incurred for the publication of explanatory commentaries on the Elections Act and the instructions issued under its authority, if such commentaries are strictly objective and contain no statements of such a nature to support or oppose a candidate or a political party;

(g) the reasonable expenses usually incurred for the current operation of the principal permanent office of a registered political party in the Province, if the leader of such party, before the seventh day following the issue of the writs has given written notice to the Supervisor of the existence of such office, and of its exact address; and

(h) expenditures incurred by any person in the course of or for the purpose of making a donation not considered a contribution under this Act.

67(3) For the purpose of paragraph (2)(g), the principal permanent office of a registered political party is the principal office where, in order to ensure dissemination of the political programme of such party and to coordinate the political activity of its members, employees of the party or of a

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body associated therewith work on a permanent basis outside the election period, for the attainment of its objects.

67(4) All costs incurred in relation to holding a convention for the selection of a candidate for an electoral district during a general election or a by-election in that district other than

(a) the cost of renting a hall for the convention;

(b) the cost of advertising the date, place, time, programme and organizers of the convention;

(c) the cost of the convening of delegates to the convention; [and]

(d) the cost of providing refreshments and entertainment for those attending the convention;

[...] ²⁴

shall be deemed to be election expenses of the candidate selected for that electoral district and such expenses shall be deemed to have been incurred by the official agent of that candidate.

With the exception of those reasonable expenses noted in subsection 67(4), all other excessive costs relating to holding a nomination convention during an election period are deemed to be election expenses of the candidate selected for that electoral district and must be included by the official agent in his or her electoral financial return for the candidate (refer to section 3.3.6).

Also, as previously stated in section 2.9.1, the PPFA states that all expenses incurred for political purposes by any person shall not be considered an expenditure – in this context, not an election expense – under the Act if:

1. the expense incurred is paid for out of that person's own money;
2. the aggregate of all such expenses incurred by that person in the calendar year is less than \$100; and
3. no part of such expenses is reimbursed to that person from any other person.

²⁴ Paragraphs (e) and (f) remain within the Act but are no longer applicable following the introduction of political financing provisions for nomination contestants.

3.2.4 Authority to authorize and incur election expenses

70(1) Except as provided by this Act during an election, no person other than the chief agent of a registered political party or the official agent of an official candidate of a registered political party or of a registered independent candidate shall authorize election expenses for such party or candidate, and no election expenses shall be incurred except by a chief or official agent or a person authorized by such agent.

70(2) No person during an election period shall accept or execute an order for election expenses in excess of one hundred dollars if such order is not given or authorized by a chief agent or official agent or in that agent's name by the designated publicity agency of the party or candidate.

The Supervisor has provided [form P 04 935](#) as a means of providing evidence of a person's authority to incur election expenses. Refer to *Appendix D: Certificate of Authorization to Incur Election Expenses* for a sample authorization certificate.

Guideline 44: Any person authorized to incur election expenses must present a certificate of such authorization to the supplier at the time of incurring election expenses.

3.2.4.1 Authorized person using own money or credit to incur election expenses

70(3) If a person, authorized by a chief agent or an official agent to incur election expenses, incurs election expenses using his or her own money or credit, the person shall submit to the chief agent or official agent, as the case may be, not later than 20 days after polling day a detailed statement of all election expenses incurred by the person.

3.2.4.2 Deemed contribution if authorized person not reimbursed

70(4) If a person incurs election expenses under subsection (3) and the election expenses are not reimbursed to the person by the chief agent or official agent, as the case may be, the person shall be deemed to have made a contribution equal in value to the amount of the election expenses.

70(5) A deemed contribution under subsection (4) shall,

(a) in the case of election expenses incurred on behalf of a registered political party, be deemed to have been made to the official representative of that party;

(b) in the case of election expenses incurred on behalf of an official candidate of a registered political party,

(i) be deemed to have been made to the official representative of the registered district association associated with that party in the electoral district in which that person is a candidate, or

(ii) if there is no registered district association associated with that party in the electoral district in which that person is a candidate, be deemed to have been made to the official representative of the registered political party; and

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(c) in the case of election expenses incurred on behalf of a registered independent candidate, be deemed to have been made to the official representative of that candidate.

Guideline 45: If a person, authorized by a chief agent or an official agent to incur election expenses, incurs election expenses using his or her own money or credit and the election expenses are not reimbursed to the person by the chief agent or official agent, as the case may be, the person shall be deemed to have made a contribution of money equal in value to the amount of the election expenses.

3.2.5 Candidate incurring election expenses

71(1) A candidate may personally incur expenses which constitute election expenses up to a total of two thousand dollars during the election period.

71(2) A candidate shall submit to his official agent not later than twenty days after polling day a detailed statement of all election expenses incurred by him pursuant to subsection (1).

[...]

71(3) All election expenses incurred by a candidate in accordance with subsection (1) and reported to his official agent in accordance with subsection (2) are, for the purposes of this Act, deemed to have been incurred or authorized by the official agent of that candidate.

Election expenses incurred by a candidate must be included in total election expenses reported by the official agent and, of course, are subject to the election expenses limit of that candidate.

3.2.5.1 Deemed contribution if candidate not reimbursed for election expenses

71(2.1) A candidate who, out of his or her own money or credit, incurs election expenses under subsection (1) that are not reimbursed to the candidate by his or her official agent shall be deemed to have made a contribution equal in value to the amount of the expenses.

71(2.2) A deemed contribution under subsection (2.1) shall be deemed to have been made

(a) in the case of an official candidate of a registered political party,

(i) to the official representative of the registered district association associated with that party in the electoral district in which that person is a candidate, or

(ii) if there is no registered district association associated with that party in the electoral district in which that person is a candidate, to the official representative of the registered political party;

(b) in the case of a registered independent candidate, to the official representative of that candidate,

(c) in the case of an unregistered independent candidate, to that candidate.

Guideline 46: A candidate who, out of his or her own money or credit, incurs election expenses under subsection 71(1) that are not reimbursed to the candidate by his or her official agent shall be deemed to have made a contribution of money equal in value to the amount of the expenses.

3.2.6 Excessive pricing prohibited on election expenses

72(1) No person shall claim or receive for election expenses a price in excess of his regular price for similar work, merchandise or services outside the election period.

3.2.7 Deemed contribution from discounted election expenses

72(2) Subject to sections 2 and 48, any person who accepts for election expenses a price less than his regular price for similar work, merchandise or services outside the election period is deemed to have made a contribution equal in value to the difference between his regular price and the price accepted.

72(3) A deemed contribution under subsection (2) shall,

(a) in the case of election expenses incurred on behalf of a registered political party, be deemed to have been made to the official representative of that party;

(b) in the case of election expenses incurred on behalf of an official candidate of a registered political party,

(i) be deemed to have been made to the official representative of the registered district association associated with that party in the electoral district in which that person is a candidate, or

(ii) if there is no registered district association associated with that party in the electoral district in which that person is a candidate, be deemed to have been made to the official representative of the registered political party;

(c) in the case of election expenses incurred on behalf of a registered independent candidate, be deemed to have been made to the official representative of that candidate; and

(d) in every other case, be deemed to have been made to the unregistered independent candidate on whose behalf the expenses were incurred.

Given that corporations are no longer permitted to make contributions, it follows that most commercial enterprises (except for proprietorships) are prohibited from offering any such discounts on election expenses.

Guideline 47: When reporting any discounted election expenses on the electoral financial return, a chief agent or an official agent must calculate the discount, add HST, and note the value of the contribution on the supporting invoice. Then, he or she must add the value of the contribution to the amount of the invoice and reporting the total as an election expense. The deemed contribution must be reported as a contribution of property and services on the return.

3.2.8 Publicity agencies: election expenses and deemed contributions

74(1) A chief agent and an official agent may each designate a publicity agency for his party or candidate by a writing signed by him and filed with the office of the Supervisor setting out the name and address of the agency.

74(2) Election expenses on behalf of a registered political party or a candidate may be incurred or authorized by the designated publicity agency of the party or candidate.

74(3) The designated publicity agency of a registered political party or a candidate may be dismissed or replaced at any time by a writing signed by the chief agent or official agent, as the case may be, and filed with the office of the Supervisor.

74(4) All election expenses incurred or authorized by a designated publicity agency shall be deemed to be incurred or authorized by the chief agent of the party or official agent of the candidate who designated the agency.

74(5) If a designated publicity agency incurs or authorizes election expenses in accordance with this section, the designated publicity agency shall submit to the chief agent or official agent, as the case may be, not later than 20 days after polling day a detailed statement of all election expenses it incurred or authorized.

74(6) A designated publicity agency that, using its own money or credit, incurs election expenses that are not reimbursed to the agency by the chief agent or official agent, as the case may be, shall be deemed to have made a contribution equal in value to the amount of the expenses.

74(7) A deemed contribution under subsection (6) shall,

(a) in the case of election expenses incurred on behalf of a registered political party, be deemed to have been made to the official representative of that party;

(b) in the case of election expenses incurred on behalf of an official candidate of a registered political party,

(i) be deemed to have been made to the official representative of the registered district association associated with that party in the electoral district in which that person is a candidate, or

(ii) if there is no registered district association associated with that party in the electoral district in which that person is a candidate, be deemed to have been made to the official representative of the registered political party; and

(c) in the case of election expenses incurred on behalf of a registered independent candidate, be deemed to have been made to the official representative of that candidate.

Guideline 48: A designated publicity agency that, using its own money or credit, incurs election expenses that are not reimbursed to the agency by the chief agent or official agent, as the case may be,

shall be deemed to have made a contribution of money equal in value to the amount of the expenses. If the publicity agency is a corporation, any such deemed contribution is automatically in violation of the prohibition on corporate contributions under the Act; therefore, all election expenses incurred by a publicity agency that is a corporation must be reimbursed by the chief agent or official agent.

During recent general elections, the Supervisor has observed that larger political parties are the only entities to engage the services of a publicity agency. The chief agent, therefore, is cautioned that he or she must, at all times, be aware of the expenditures being made by a publicity agency, since it is ultimately the chief agent's responsibility to ensure that the total spending does not exceed the limit on election expenses permitted under the Act.

3.2.9 Supplier claims for amounts due for election expenses

76(1) Every person to whom an amount is due for election expenses shall present his claim to the chief agent or official agent responsible therefore not later than forty-five days following polling day or otherwise such person shall forfeit the right to recover his claim.

76(2) If the chief agent or official agent has died and has not been replaced, the claim shall be forwarded within forty-five days following polling day to the leader of the registered political party or to the candidate himself, as the case may be.

3.3 Electoral activities

With the introduction of fixed-date elections in New Brunswick in 2010, the political strategies for a provincial general election have changed significantly from those of the past. As a result, many candidates are now nominated months prior to the election period.

The purpose of this section is to discuss issues with election-related expenditures, whether these are incurred prior to the election period – commonly referred to as “pre-writ activities” – or during the election period.

3.3.1 Official start of the election period

Campaign teams need to know when they may begin placing the bulk of their election signs that will be subject to the spending limits on election expenses.

Guideline 49: The official start of the election period is at 12:01 am on the date that the writs of election are issued. As of that time and for a general election, the writs of election for all of the electoral districts will be deemed to have been issued by the Chief Electoral Officer. Accordingly, election-related advertising may commence in earnest at that time; e.g. the posting of signs and their frames, the publication or broadcasting of advertisements, etc.

With the exception of pre-writ advertising, it is the consensus of the registered political parties that no signs, frameworks, or portions thereof are posted prior to the official start of the election period. This means that no signs should be placed the evening before the date of issuing the writs of election. The members of the Political Financing Advisory Committee unanimously agreed on this point and this position is consistent with the provisions of the *Political Process Financing Act*.

3.3.2 Pre-writ advertising

Prior to the election period, the official representative of a political party or district association may distribute or broadcast advertising that promotes the election of a candidate or candidates. By reason of the definition of “election expenses” (see section 3.2.1), such “pre-writ advertising” is considered to be a non-election expenditure.

Pre-writ advertising may be exactly the same advertising that is subsequently transmitted during the election period; therefore, it is only the timing of the use or transmission that distinguishes “pre-writ advertising” from “election-period advertising”.

3.3.2.1 Advertising expenditures subject to annual advertising limits

As identified in section 2.9.5.1, certain non-election expenditures for advertising incurred in any calendar year – advertising on broadcasting undertakings or in newspapers, periodicals or other printed matter – are subject to annual limits of \$200,000 for a registered political party and \$3,000 for a registered district association or registered independent candidate, but an aggregate limit of \$200,000 for a party and its district associations combined.

Guideline 50: Many types of “pre-writ advertising” fall within the meaning of subsection 50(1) of the Act and their related costs are subject to the annual spending limits provided by that provision of the Act. Examples of pre-writ advertising subject to the annual spending limits include:

1. Broadcasting undertakings

- Production costs of acquiring advertisements
- Media buys for television ads
- Media buys for radio ads
- Television and video ads distributed over the internet as part of programming

2. Newspapers and periodicals

- Ads in provincial daily newspapers
- Ads in regional weekly newspapers
- Ads in service organizations’ monthly newsletters
- Ads in local community flyers

3. Other printed matter

- Billboards
- Roadside signs
- Lawn signs
- Campaign office signs

- **Vehicle wrapping**
- **Brochures, rack cards, and door knockers distributed by candidates or volunteers**
- **Postcards**
- **Restaurant placemats**
- **T-shirts, ball caps, sweaters and other promotional clothing**
- **Pens, pins, buttons, coffee mugs, and other memorabilia.**

Guideline 51: If a campaign broadcasts or transmits any electronic advertising content prior to the election period, a reasonable allocation of the production costs may be treated as a pre-writ advertising expenditure and the remaining portion treated as an election expense. The allocation of the costs would be based, for example, on the number of times that the advertisement was broadcast in the pre-writ period versus broadcast during the election period.

Guideline 52: If a political party sells promotional clothing or other memorabilia to its supporters, the cost of the promotional materials must be treated as an advertising expenditure while the sales revenue must be treated as a contribution by each purchaser.

3.3.2.2 Advertising expenditures not subject to annual advertising limits

Certain advertising expenditures are either not described in the advertising provisions of the Act or are specifically exempted from the annual advertising limits.

3.3.2.2.1 Advertising not described in the Act

Certain types of “pre-writ advertising” are not described in subsection 50(1) of the Act and, as a result, these expenditures are not subject to the annual spending limits provided by that provision.

Guideline 53: Pre-writ advertising not described in subsection 50(1) of the Act and, as a result, not subject to the annual spending limits includes:

- **Paid advertising on the internet and social media; e.g. Google, Facebook, Twitter; and**
- **“Robocalls”; i.e. automated dialer messages.**

3.3.2.2.2 Notices of public meetings

Notices of public meetings, including nomination meetings or opportunities to meet a local candidate or leader of a party, are generally exempt from the advertising spending limits described above (see section 2.9.5.2 for subsection 50(2) of the Act).

3.3.2.2.3 Postage for mailing letters, printed material, and cards

The cost of postage for the mailing of letters, printed material, and cards is not subject to the annual advertising spending limits described above (see section 2.9.5.2 for paragraph 50(3)(a) of the Act).

Guideline 54: The cost of sending pre-writ unaddressed direct mail through Canada Post is not subject to the annual advertising limits, even though the cost of printing the postcards themselves is subject to the limits.

3.3.2.2.4 Production and distribution of newsletters to party members

Expenditures incurred for the production and distribution of newsletters distributed solely to members of a registered political party are not subject to the annual advertising spending limits described above (see section 2.9.5.2 for paragraph 50(3)(b) of the Act).

3.3.2.2.5 Publication in a newspaper of congratulatory messages and best wishes for community events

The Act also exempts expenditures for the publication in a newspaper of congratulatory messages or best wishes for community events from the advertising spending limits (see section 2.9.5.2 for paragraph 50(3)(c) of the Act). In the context of pre-writ advertising, the following examples demonstrate how this provision applies:

- A registered district association may place a notice or advertisement in a newspaper or community flyer with best wishes for a community event or statutory holiday such as Canada Day or New Brunswick Day. Such a message would be exempt from the annual advertising spending limit.
- If, however, the advertisement above contained the name and/or picture of the association's candidate or if the message was from the candidate him/herself, then the advertisement would not be eligible for the exemption and it would become subject to the advertising spending limits. Paragraph 50(3)(c) is a limited exemption aimed at sending best wishes for a community event from a registered district association, not from its candidate in the upcoming election. Including the name or photo of the candidate would advertise the candidate for election and would disqualify the cost from the exemption.
- Any roadside or other signs publicly posted by a registered district association with best wishes for a safe holiday, whether or not it included a reference to a candidate, would not qualify for the exemption under paragraph 50(3)(c). Since only messages published in a newspaper are eligible for the exemption, the related cost of such signs would be subject to the annual advertising limits.

3.3.2.3 Identification disclosures

Section 3.3.3.1 discusses the identification disclosures required of advertisements transmitted during the election period, while section 3.3.3.3 discusses printed advertisements used both prior to and during the election period. Although pre-writ advertising is not legally subject to these requirements, most advertising and printing companies will prefer, for simplicity, to follow the same requirements whether the advertising is to be used prior to the writ or during the election period.

3.3.3 Advertising during the election period

All expenditures incurred for advertising transmitted during an election period are subject to the spending limits placed on election expenses (see section 3.2.2).

Several other issues are discussed below relating to advertising transmitted during an election period.

3.3.3.1 Identification disclosure for advertisements transmitted during an election period

With respect to “advertising relating to an election”, section 73 of the Act is written to ensure that all election materials can be traceable to the political party, candidate, or other person who caused them to be published.

Advertising transmitted during the election period must be authorized by a chief agent of a registered political party or an official agent of a candidate. It must follow the disclosure requirements summarized in the table below:

PPFA Provision	73(1)	73(2)	73(3)
Type of advertisement	Every printed advertisement, placard, poster, pamphlet, handbill or circular ²⁵	Every advertisement published in a newspaper, periodical or other publication	Every broadcast of a sponsored radio or television advertisement
Disclosure of authority	Shall bear the name of the registered political party or the candidate on whose behalf it was ordered	Shall bear the name of the registered political party or the candidate on whose behalf it was ordered	Shall mention the name of the registered political party or candidate on whose behalf it was ordered, at the beginning or the end of the broadcast
Disclosure of printer	Shall bear the name and address of its printer ²⁶	Not applicable	Not applicable

²⁵ Business cards are not considered to be advertising subject to these provisions.

²⁶ This would include materials produced by professional printers or those printed from a home or office computer and printer.

Under subsection 73(4), any type of advertisement described above but not ordered by a chief agent, an official agent, or a person authorized by him or her shall follow the same requirements, but bearing or mentioning the name of the person who ordered its publication.

In 2014, the Advisory Committee agreed that only those identification disclosures identified in the Act should be required; therefore, the traditional tagline “Authorized by the official agent for John Doe” is not required where the name of the candidate or registered political party on whose behalf it was ordered is incorporated in the advertisement.²⁷

There are, however, some instances where including a tagline, such as “Ordered on behalf of John Doe” or “Ordered on behalf of Political Party X”, may be necessary to ensure compliance with the requirements of the Act. For example:

- A regional advertisement may not specifically mention the names of the region’s candidates in the body of the advertisement. In this case, a tagline would need to be included, listing the names of all the candidates on whose behalf it was ordered.
- A negative or “attack” ad that opposes the election of a candidate or the leader of a political party would need to include a tagline identifying the candidate or political party on whose behalf the advertisement was actually ordered.

3.3.3.2 Internet-based commercial advertising

As discussed in section 2.9.5.4, internet-based advertising such as Google ads or Facebook “boosted posts” are not subject to the annual limits on advertising; however, such commercial advertising transmitted during an election period is subject to the spending limits for election expenses.

These advertisements typically direct the internet user to the website of the advertiser to obtain further information. As a result, the advertising is subject to the advertising identification disclosures described fully in section 3.3.3.1 above.

Guideline 55: Any identification disclosures required under section 73 of the Act must be disclosed either on the face of an internet-based commercial advertisement or immediately on the face of the website page to which the advertisement directs the reader.

²⁷ The traditional tagline is a requirement under section 320 of the *Canada Elections Act* for advertising conducted during a federal election.

3.3.3.3 Printed advertisements used both prior to and during the election period

There are some unique treatments required for printed advertisements used both during the pre-writ and election periods.

3.3.3.3.1 Roadside signs

It is possible that an advertisement, such as a roadside sign, may have value to both the official representative (transmitted before the election period) and to the official agent (transmitted during the election period).

If the sign is placed before the election period and remains in place for one or more days during the election period, the following rules will apply:

1. The sign must originally be authorized by the official representative of the registered district association. The expenditure will be classified as a non-election advertising expenditure and is subject to the \$3,000 annual advertising limit of the registered district association.
2. In order to remain in place during the election period, identification disclosures must comply with the requirements of section 73 of the Act. As previously mentioned, most advertising and printing companies will prefer to follow the same disclosure requirements whether the advertising is to be used pre-writ or during the election period. If not already on the advertisement, however, this may be accomplished by placing an adhesive label with appropriate disclosures on the advertisement.
3. The full, original cost of the sign must be reimbursed by the official agent to the registered district association. Payment would usually be in the form of a cheque drawn on the election bank account of the official agent or, if following the centralized financial model, via journal entry. This will constitute an election expense subject to the election expenses limit of the candidate.

To report these transactions in the annual financial return of the registered district association, the official representative will account for the transactions as:

- A “Non-election advertising expenditure” equal to the full, original cost of the advertisement; and
- “Other income” equal to the full amount of the reimbursement received from the official agent.

Note that the reimbursement received by the official representative does not reduce the association’s non-election advertising expenditures to zero and reinstate the \$3,000 annual advertising limit. Rather, the reimbursement is reported as “other income”.

To report this transaction in the electoral financial return, the official agent will account for the reimbursement transaction as an election advertising expense.

Guideline 56: An advertisement, such as a sign or billboard, that is placed prior to the election period by the official representative of a registered district association and that remains in place for any portion of the election period must be treated as a non-election advertising expenditure of the

association and as an election expense authorized by the official agent of the candidate. The full cost of the advertisement must be reimbursed by the official agent to the official representative. The reimbursement must be reported as “other income” by the registered district association.

3.3.3.3.2 **Brochures, handbills, door knockers, and other distributable advertising**

The following is an example of another type of advertising that may be used both before and during the election period:

A box of “householder” handbills or “door knockers” is purchased from a local printer for \$1,000 prior to the election period. Approximately 75% of the handbills are distributed prior to the election period and 25% are distributed during the election period.

Under this scenario, the original order for the handbills must be authorized by the official representative of the registered district association and must meet the requirements of section 73 for election-period advertising by bearing the name of the candidate on whose behalf the advertisement was ordered and the name and address of the printer. The expenditure will be classified as a non-election advertising expenditure and is subject to the \$3,000 annual advertising limit of the registered district association.

In order for a portion of the handbills to be distributed during the election period, the official agent of the candidate must authorize such a distribution. The identification disclosure requirements of section 73 must be met, and would likely already be printed on the handbills as described above. The official agent must issue a cheque to the registered district association or direct that a journal entry be made to reimburse the association for the cost of those handbills distributed during the election period. This expenditure by the official agent will be classified as an election advertising expense and is subject to the election expenses limit of the candidate.

This scenario is slightly different from the previous one describing a single sign remaining in place during the election period. In that case, the full value of the sign was reimbursed because it is not possible to determine a reasonable basis on which to allocate the value of the sign between the pre-election and election periods. In this second scenario, however, the physical proportion of handbills distributed prior to and during the election period is easily determined. Therefore, the reimbursement by the official agent may reasonably be for that portion of the cost associated with the portion of handbills distributed during the election period; i.e. 25% of \$1,000, or \$250.

The expenditure made by the official representative will be reported in the annual financial return of the registered district association as a non-election advertising expenditure of \$1,000 less a reimbursement credit of \$250, for a net advertising expenditure of \$750. This is permitted given that only 75% of the handbills were used during the pre-election period.

The \$250 portion of the cost reimbursed by the official agent will be reported in the electoral financial return submitted by the official agent as an election advertising expense.

In summary, the official representative of the registered district association reports a net non-election advertising expenditure of \$750 and the official agent reports an election advertising expense of \$250.

Guideline 57: The cost of an order for brochures and other such distributable advertising must be allocated between non-election advertising expenditures of a registered district association and election expenses of a candidate based on a reasonable physical proportion of the materials distributed during the pre-writ and election periods.

3.3.3.4 Signs used in previous election campaigns

There are benefits to saving signs and frames for re-use in a subsequent election. The registered district association does not have to raise the funds to pay for the purchase of such signs in the subsequent election, providing a real, cash benefit for preserving the signs. Also, there is the environmental benefit of reusing such materials. For such used signs, the official agent will have to ensure the identification disclosure requirements discussed in section 3.3.3.1 are met for the current election.

Reusing such signs would offer a financial advantage to a repeat candidate. The longstanding practice of the Supervisor is, therefore, to require a current retail value to be placed upon the used signs and to include this value in the election expenses of the candidate. This practice places all current candidates in the same position with respect to their advertising expenses, regardless of whether they were previously a candidate or not.

To recognize this transaction financially, the official representative of the registered district association should determine the current retail value of similar new signs and lumber. He or she may obtain, for example, a competitive quote from suppliers of these products. After forwarding this information to the official agent of the candidate, the official agent will report an election advertising expense and “advertising material used in previous election” on the candidate’s electoral financial return.

As discussed in section 3.4.2, the value of any advertising material that was used in a previous election is not eligible for the current reimbursement of election expenses.

Guideline 58: Signs used in previous election campaigns that are used again during the current election period must be assigned a value equal to the current retail value of similar new signs. This applies to the signs, wooden frames, posts, etc. This assigned cost becomes part of the election expenses of the candidate; however, it is not eligible for a reimbursement of election expenses.

3.3.3.5 Vandalized, stolen, or destroyed advertising material

During the course of an election campaign, advertising materials such as roadside signs of candidates may be vandalized, stolen, or destroyed by other persons. The official agent of the candidate may wish to replace the damaged materials; however, such additional costs may not be possible within the election expenses limit set for the candidate. As a result of this loss, through no fault of his or her own, the candidate would be placed at a competitive disadvantage.

Any purchase and use of advertising materials would normally constitute an election expense. In the case of the replacement of damaged materials, however, the Supervisor has determined that such expenditures do not constitute election expenses. Rather, the Supervisor would consider such expenditures to be non-election expenditures.

Guideline 59: In the event that campaign signs are vandalized, stolen, or destroyed and the official agent wishes to replace them without constituting election expenses of the candidate, the following procedure may be followed:

- 1. The official agent, prior to the replacement, submits an affidavit to the Supervisor setting out the particulars of the vandalism, theft, destruction, etc. The particulars include the relevant times, locations, etc. of the loss, including photographs, if possible.**
- 2. If satisfied, the Supervisor immediately issues an exemption from election expenses for the replacement expenditure.**
- 3. The official agent reports, in the electoral financial return of the candidate, the replacement expenditures as non-election expenditures.**

3.3.3.6 Placement of signs

The Department of Transportation and Infrastructure controls if and where a sign may be placed in the right-of-way of a highway, pursuant to the [Highway Advertisements Regulation - Highway Act](#).

Municipalities may also have sign by-laws that control where or when signs may be placed.

Both Bell Aliant and NB Power ask candidates not to use utility poles to post campaign signs. While the practice may seem harmless, there are some potential safety concerns:

- The signs themselves present a safety hazard for employees who must climb poles to complete their work;
- The metal staples or clamps used to put up the signs often remain in the poles long after the election is over. These items could cause an employee to lose his or her footing while climbing and could also be a hazard for the general public who may happen to brush the pole while walking by; and
- Staples or clamps will cause a pole to degrade faster than it should, thereby making them more susceptible to damage, possibly needing maintenance or replacement.

3.3.3.7 Unsolicited communications with electors

Leading up to and during the election period, a campaign might use “unsolicited communications” to contact electors. Unsolicited communications may take several forms and be used for a variety of purposes, including:

- live voice calls informing people about the location of polling stations;
- so-called “robocalls” promoting the election of a candidate; and
- opinion polls seeking to learn about voter preferences, etc.

There are strict rules regarding unsolicited telecommunications made by, or on behalf of, political parties and candidates. These rules have been established by the Canadian Radio-television and Telecommunications Commission (the “CRTC”). The Elections New Brunswick website provides a [link to the relevant information provided by the CRTC](#) on the CRTC’s website:

<http://crtc.gc.ca/eng/phone/telemarketing/politi.htm>.

Guideline 60: To ensure compliance with the “Rules for unsolicited telecommunications made on behalf of political entities” as established by the Canadian Radio-television and Telecommunications Commission (CRTC), the rules must be reviewed with the appropriate members of a campaign team and with any telemarketer or pollster that may provide such services on behalf of the campaign.

3.3.3.7.1 Restricted advertising period

(Elections Act, s. 117(3))

117(3) No person shall, on the ordinary polling day or on the day immediately preceding it,

(a) broadcast over any radio or television station,

(i) a speech,

(ii) any entertainment, or

(iii) any advertising program; or

(b) publish or cause to be published in any newspaper, magazine or similar publication,

(i) a speech, or

(ii) any advertising; or

(c) transmit, convey or cause to be transmitted or conveyed by any means to telephones, computers, telecopier machines or any other device capable of receiving unsolicited communications,

(i) a speech,

(ii) any entertainment, or

(iii) any advertising;

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in favour of or on behalf of any political party or any candidate, but this subsection shall be deemed not to prohibit a bona fide news broadcast or news publication referring to or commenting upon a speech or containing any excerpts from a speech.

Examples of unsolicited communications under paragraph (c) would include SPAM emails, Robocalls, mass faxes, etc.

Note that these provisions do not prevent a candidate's campaign from distributing printed materials in person or by Canada Post during the restricted advertising period, nor does it prevent additional signs from being placed in the electoral district.

3.3.3.7.2 Use of social media during the restricted advertising period

In the case of a Twitter account held by a candidate, the candidate may post a "tweet" on their account. Persons "following" the candidate then receive an electronic "newsfeed" of the tweet for their information. Since the "followers" have already requested such notifications from the candidate, any such communication would be considered to be solicited communications and, therefore, not prohibited by subsection 117(3) of the *Elections Act*.

Similarly, in the case of a Facebook account held by a candidate, the candidate has "friends" who have agreed to send and receive messages with the candidate. As a result, any communication between the candidate and these "friends" are also deemed to be solicited communications. Accordingly, messages posted on the Facebook page would generally not be prohibited by the *Elections Act*.

Guideline 61: Using social media is generally considered to be "solicited communication" and, thus, may occur during the restricted advertising period. On the other hand, paid advertising on social media is considered to be unsolicited communications and, thus, is prohibited during the restricted advertising period.

3.3.3.8 Advertising prohibited near a polling station

(Elections Act, ss. 2 and 117)

Under the *Elections Act*,

2 “polling station” means a building, or a portion of a building, secured by a returning officer for the taking of the votes of electors on the ordinary polling day or on an advance polling day.

On an advance polling day or on ordinary polling day:

- No electoral sign, advertisement, handbill, placard, poster, dodger, billboard, electronic billboard or any other means of display having reference to an election or a candidate is allowed to be displayed within 30 metres (100 feet) of a polling station;
- No loud speaker or any other amplification device shall be used for campaigning that can be heard within 30 metres of the premises in which a polling station is located;
- No person shall supply, and no person shall wear, any flag, ribbon, label or like favour as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate, on premises in which a polling station is located;
- Candidates or campaign workers may greet electors outside a polling station but remain subject to the advertising restrictions noted above; however, electors must not be impeded on their way to or from the polling station by candidates or campaign workers. Candidates and campaign workers must give electors free and unimpeded access to the entry doors to the polling station.
- If peace or good order is being compromised at a polling station, election officers will ask candidates’ representatives to move so as to not impede voters.

On ordinary polling day:

- No advertising of any kind (in the form of signs or by using loud speakers) may be done on or from any moving motor vehicle anywhere in the electoral district. Vehicles bearing advertising relating to the election may remain parked in the open, but not within 30 metres of a polling station.

Inside any advance or ordinary polling station:

- A candidate and his or her appointed scrutineers are allowed in any polling station in the candidate’s electoral district at any time;
- Except for candidates’ appointed scrutineers, no other agents, campaign workers, or candidates’ family members are allowed in any polling station except while voting.

A returning office is not considered to be a “polling station” under the definition noted above, even though voting may take place there throughout the election. As a result, the prohibitions on advertising listed above do not apply to advertising placed near a returning office. By extension, there are no

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restrictions on locating a candidate's campaign office – and its requisite advertising – near to, or in the same building as, a returning office.

3.3.4 Campaign offices

Many campaign offices are set up prior to the issuing of the writs of election, requiring rental costs of at least two months, installation of computer systems, installation of telephone lines, rental of cellular phones, setting up of a website, etc. In previous elections, most official agents instinctively included these costs as election expenses.

In examining the 2014 electoral financial returns of candidates, the Supervisor applied the rules so that the following items were included as election expenses:

- the full start-up costs of a campaign office, and
- any election-related costs incurred after the close of polls until the legal end of the election period; i.e. celebration costs on election night, pick-up costs to remove road signs, and “Thank You” notices in newspapers and other media.²⁸

Guideline 62: Even if incurred prior to the election period, the full amount of expenditures related to the campaign office of a candidate must be treated as election expenses.

Guideline 63: The prior practice of cutting off election expenses at 8:00 pm on ordinary polling day is rescinded and election expenses must continue to be captured until the end of the election period; i.e. upon the return of the writs of election 11 days after ordinary polling day.

3.3.4.1 Website-related expenditures

As discussed in section 3.2.3, paragraph 67(2)(g) of the Act exempts from election expenses “the reasonable expenses usually incurred for the current operation of the permanent principal office of a registered political party....” Ongoing website costs are part of the current operating costs of the principal office of a party in the same manner as telecommunications equipment, photocopiers, and office rent; therefore, ongoing website costs are not considered election expenses for registered political parties.

Registered district associations may have incurred costs unrelated to the current election to develop and maintain a website. Ongoing costs, such as website hosting fees, would continue throughout the election period and beyond. Such website costs of an ongoing nature are non-election expenditures.

Other website-related expenditures may be incurred for the purpose of promoting or opposing the election of a candidate or the candidates of a political party. Such expenditures may include development and construction cost of a new website, or they may be incremental costs over and above the ongoing hosting fees; e.g. additional work to add or update web pages or content to the website. Since websites serve as a virtual office for a campaign and consistent with the treatment of campaign office expenditures as described in section 3.3.4 above, the Supervisor is of the opinion that any new construction and

²⁸ The members of the Advisory Committee confirmed their support for this approach at a meeting held on October 5, 2017.

incremental website-related costs are election expenses. The chief agent of a registered political party and the electoral district agent / official agent of a candidate must authorize such expenditures.

Guideline 64: Website expenditures of an ongoing nature are considered to be non-election expenditures; however, development and construction costs of a new website and incremental costs over and above any ongoing costs, incurred before or during an election period to promote the election of a candidate or a party's candidates, are considered to be election expenses.

3.3.4.2 Constituency offices of Members of the Legislative Assembly

As discussed in section 2.9.8.1, constituency offices of Members of the Legislative Assembly may never be used for partisan political activity.

During an election period, a constituency office must be closed. The following guidance is provided by the Legislative Assembly to its Members:

"In accordance with directives established by the Legislative Administration Committee on November 8, 2002 under authority of the Legislative Assembly Act, constituency offices must remain closed at all times during the election period; that is the period between dissolution and polling day [sic].

*The constituency office must not be used for partisan, political or campaign purposes (i.e., prepare, store, or distribute party, constituency association, or election campaign material nor display any material advocating the choice of any party or candidate). Members who are in breach of this directive will no longer qualify for reimbursement of eligible constituency office expenses during this period."*²⁹

²⁹ *Orientation Manual 2014*, Legislative Assembly of New Brunswick, pp. 10-11.

3.3.5 Wages paid to campaign workers and candidates

Official agents will sometimes pay a reasonable wage or honorarium to a campaign office manager or workers. Some campaigns may also pay the candidate a modest wage in compensation for the time invested in the campaign.

In order for such payments to be accepted as election expenses and to be eligible for the reimbursement, the wages must be agreed to in advance and must be paid prior to ordinary polling day. The wages may not be contingent upon receiving the reimbursement of election expenses and having enough additional money to be able to afford paying the wages, nor may the wages be contingent upon the worker making a political contribution of any amount.

Guideline 65: In order to be accepted as election expenses eligible for reimbursement, any wages paid to campaign workers or a candidate must be agreed to in advance and must be paid prior to ordinary polling day.

3.3.6 Nomination conventions

The political financing rules for nomination contestants are discussed in Chapter 4; however, the Act also addresses the expenses incurred by a registered district association to organize a nomination convention.

If held prior to the election period, there are generally no limits on the expenditures that may be incurred by a district association for holding a nomination convention. Advertising notices of such a public meeting, for example, are not subject to the annual financial limit on advertising (see section 2.9.5.2).

If the convention is held during the election period, however, any expenditure in excess of the reasonable costs described in section 3.2.3 shall be deemed to be an election expense of the selected candidate. The official representative of the association must provide details of these expenses to the official agent of the candidate so that they can be included in the electoral financial return of the candidate.

3.3.7 Direct costs of fundraising activity held during an election period

Fundraising activities are normally organized by registered political parties and registered district associations in the months and years preceding an election. The direct costs associated with such events are treated as non-election expenditures of the party or association.

Sometimes, however, such an activity is held during the election period. Due to the potential for some of the direct costs of the activity to be, in substance, expenditures incurred to directly or indirectly promote the election of a candidate, the Supervisor has a longstanding practice of applying the legal definition of election expenses to these expenditures.

Guideline 66: If a fundraising activity is held during the election period, all direct costs for the activity must be treated as election expenses authorized by the official agent of the candidate, even if they were incurred by the official representative of the registered district association.

3.3.8 Election Day expenses

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For ordinary polling day, a poll captain³⁰ may be given a sum of money by an official agent with which to get out the vote for a poll. The official agent should obtain a temporary receipt from each poll captain to cover the sum of money advanced to cover “Election Day” expenses.

This money is intended to cover the cost of the scrutineers, transporting voters to the polls, providing meals for party volunteers, etc. Expenses incurred on Election Day are subject to the same limit as all other election expenses.

Guideline 67: As soon as possible after ordinary polling day, a poll captain must submit an itemized statement of Election Day expenses to the official agent to support the actual amount spent. Any money not spent must be returned to the official agent for deposit to the campaign account.

³⁰ “Poll captain” is a commonly-used term for the person responsible for getting out the vote in a particular polling division on behalf of a candidate or political party.

3.4 Public funding to reimburse election expenses

(PPFA, ss. 78, 79 and 80)

The reimbursement of election expenses was initially discussed in section 2.5.3. Further details are provided below.

3.4.1 Eligibility criteria

Candidates may qualify for a reimbursement of election expenses from the provincial treasury. A reimbursement of election expenses is payable for:

1. each candidate declared elected; and
2. each candidate having obtained 15% or more of the valid votes cast in the electoral district contested by the candidate.

Note that, in New Brunswick, registered political parties are not provided with any reimbursement of election expenses.

3.4.2 Calculation of election expenses reimbursement

The reimbursement of election expenses is equal to the amount of the election expenses of the candidate less certain exclusions, up to a maximum reimbursement amount.

Any advertising material that was used in a previous election and election expenses funded by contributions of property and services are not eligible for the current election expenses reimbursement.

The maximum reimbursement amount is calculated based on the number of registered electors resident in the electoral district multiplied by a defined rate per elector:

78(2) The election expenses reimbursement to be paid under subsection (1) shall be an amount equal to the lesser of

(a) the amount of the election expenses of the candidate as set out in his or her statement under section 81, excluding

(i) any claims for election expenses of the candidate contested by the official agent,

(ii) amounts representing the value of contributions referred to in paragraphs (a) and (b) of the definition "election expenses of a candidate" in section 1, and

(iii) amounts representing the current retail price of any advertising material that was used in a previous election, or

(b) an amount equal to the sum obtained by allowing thirty-five cents for each of the electors in the electoral district and adding thereto the cost of mailing a single one ounce first class letter to each elector in the electoral district.

The number of registered electors is determined when the *Preliminary List of Electors* is prepared immediately following the issue of the writ of election; however, the Supervisor also prepares an estimate of the election expenses limits and reimbursements based on the number of electors registered at the beginning of the calendar year of a scheduled general election.

The calculated maximum reimbursement amounts for each candidate for the pending (or most recent) election is available in the same document that provides the estimated or actual spending limits on election expenses. This document is available on the Elections New Brunswick website at:

http://www.electionsnb.ca/content/enb/en/political-financing/information_guidelines.html

3.4.3 Method of payment

Beginning in 2018, the reimbursement is no longer payable to the official agent of the candidate. Rather, the election expenses reimbursement will be paid:

- 1) if the candidate is an official candidate of a registered political party,
 - a) to the registered district association associated with that party in the electoral district in which that person is a candidate, or
 - b) to the registered political party if there is no registered district association associated with that party in the electoral district in which that person is a candidate;
- 2) if the candidate is a registered independent candidate, to the official representative of that candidate; and
- 3) if the candidate is an unregistered independent candidate, to that candidate.

The election expenses reimbursement may now be properly considered by a registered district association in its financing plans for the election campaign.

With no reimbursement coming to the official agent of an eligible candidate and with sufficient financing arranged by a registered district association, an electoral bank account opened by an official agent and a centralized account arranged with the party may be able to be closed prior to submitting the electoral financial return of the candidate to the Supervisor. This will make for easier reporting by the official agent and much less follow-up work with staff of Elections New Brunswick.

79(1) All election expenses reimbursements shall be paid by the Minister of Finance out of the Consolidated Fund upon receipt of a certificate signed by the Supervisor authorizing payment and setting out the amount of the reimbursement and the name and address of the person to whom payment is to be made in compliance with this Act.

79(2) The Supervisor shall not issue a certificate to the Minister of Finance authorizing the payment of an election expenses reimbursement until the official agent of a candidate has submitted a statement of election expenses for the candidate in accordance with section 81.

3.5 Accounting systems for electoral activities

As discussed in section 2.10, the financial accounting system of each registered political party will process all election expenses of the party and will produce the information necessary to complete the electoral financial return of the party.

When an official agent of a candidate uses a virtual bank account maintained by the party under the centralized financial model, the official representative will provide the official agent with a general ledger transaction report that is comparable to a bank statement. From this, all transactions will be identified that need to be reported on the electoral financial return of the candidate. Some parties may even prepare the return for the official agent's signature.

In the cases where the official agent opened a campaign bank account, the agent may use any form of record-keeping that he or she wishes; e.g. accounting software, electronic spreadsheets, or manual cash journals. The Supervisor encourages the use of the template of the electoral financial return to record their financial transactions. It uses a spreadsheet format that meets the information needs of the campaign and financial reporting to the Supervisor.

Guideline 68: A chief agent or official agent must use the accrual method of accounting in order to report a complete picture of election expenses on the electoral financial return filed with the Supervisor. Any outstanding liabilities, contributions of property and services, previously-used advertising materials, and election expenses paid by a registered district association or political party must be included in the return.

3.6 Electoral financial reporting deadlines

The chief agents of political parties and the official agents of candidates each submit an electoral financial return. The forms to be completed for this purpose are provided by the Supervisor and are available on the Elections New Brunswick website at

<http://www.electionsnb.ca/content/enb/en/political-financing/electoral-financial-returns.html>.

Each electoral return includes a sworn declaration that, to the best of the agent's knowledge and belief, the return is complete, true, and accurate. The return must be sworn before a notary public or a commissioner of oaths. Alternatively, each office of Service New Brunswick has at least one employee before whom the return may be sworn.

The financial returns are available for examination by the public. They are also examined by the Supervisor to determine whether the participants are complying with the Act.

3.6.1 Filing deadline for registered political parties

(PPFA, s. 82(1))

82(1) Within 120 days following the date fixed for the return of the writs, each chief agent of a registered political party shall, on a form provided by the Supervisor, submit to the Supervisor a sworn statement of the election expenses of the party and all claims for election expenses of the party contested by the chief agent together with any financial documents that may be required by the Supervisor.

82(2) Within ninety days after receiving the statement described in subsection (1), the Supervisor shall publish, in a form to be prescribed by him, a summary of such statements in The Royal Gazette.

82(3) The Supervisor shall keep all of the statements and financial documents submitted to the Supervisor in accordance with subsection (1) and shall permit any person to examine and make copies of them during ordinary office hours.

3.6.2 Filing deadline for candidates

(PPFA, s. 81(1))

81(1) Within 60 days following the date fixed by the Elections Act for the return of the writ, the official agent of each candidate in an election shall, on a form provided by the Supervisor, submit to the Supervisor a sworn statement of the election expenses of that candidate and all claims for election expenses of the candidate contested by the official agent together with any financial documents that may be required by the Supervisor.

81(2) Within ninety days of receiving the statement described in subsection (1), the Supervisor shall publish, in a form to be prescribed by him, a summary of each statement in The Royal Gazette.

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81(3) The Supervisor shall keep all of the statements and financial documents submitted to the Supervisor in accordance with subsection (1) and during ordinary office hours shall permit any person to examine and make copies of them.

4 Elections: Leadership Contests and Nomination Contests

This chapter will provide details on the political financing requirements for individuals seeking to become the leader of a registered political party.

The same provisions apply to individuals seeking the nomination to become an official candidate of a registered political party in an electoral district.

In this chapter, the following topics are discussed:

1. To whom these rules apply;
2. Becoming a registered leadership or nomination contestant;
3. Financial rules;
4. Assembling necessary documents and records;
5. Certificate of leadership or nomination convention; and
6. Financial reporting.

4.1 To whom these rules apply

4.1.1 Background

On June 5, 2015, *An Act Respecting Leadership Contestants and Nomination Contestants*, (S.N.B. 2015, c.17), amended the *Elections Act* and the *Political Process Financing Act*. The amendments require public disclosure of the financial supporters of leadership contestants of a registered political party and nomination contestants of registered political parties in provincial electoral districts. They also require that a contribution and financing limit be respected by these supporters and the contestants themselves. These rules were designed to be as consistent as possible with political financing rules that were already familiar to registered political parties in New Brunswick.

4.1.2 Individuals seeking the leadership or nomination

(*Elections Act*, s. 2)

The financial rules are based on two important definitions:

“leadership contestant” means an individual who is seeking the leadership of a registered political party;

“nomination contestant” means an individual who is seeking the nomination as a candidate of a registered political party in an electoral district;

The key words are “is seeking”. The exact point in time at which an individual moves from an exploratory phase to actually seeking the leadership or nomination will depend upon the facts in each case. **Once this decision to seek the leadership or nomination is made, however, the financial rules immediately come into effect.**

4.1.3 Acclaimed candidates and appointed candidates

(*Elections Act*, s. 2)

In the case of a leadership or nomination contestant who is accepted by their registered political party to enter the contest but who is ultimately not contested by another individual, the contestant is considered to be elected by acclamation, or is said to be **acclaimed**. The financial rules would apply to this contestant because there actually was an electoral contest, even though there was only one contestant in the end.

A registered political party may alternatively decide to **appoint** an individual as its candidate in an electoral district. This happens frequently with smaller political parties. In this case, there was no contest organized by the party and, in the eyes of the law, the individual never became a nomination contestant.

Elections: Leadership Contests and Nomination Contests

Accordingly, the financial rules would not apply to the appointed candidate and no entry would be made in the Registry of Nomination Contestants in relation to the appointed candidate.³¹

³¹ Although it would seem highly unlikely, it is possible that the same appointment process could occur for the leader of a registered political party. If this were the case, the financial rules would not apply to the individual appointed as leader.

4.2 Becoming a registered leadership or nomination contestant

4.2.1 Exploring the feasibility and making the decision

(Elections Act, s. 2)

An individual may wish to explore the feasibility of letting their name stand as a contestant for the leadership of a political party or as one of its candidates. The exact point in time at which an individual moves from this exploratory phase to actually seeking the leadership or nomination will depend upon the facts in each case.

Any financial expenditure from the individual's own resources during the exploratory phase is not captured by these rules; however, once the decision is made to seek the leadership or nomination, the financial rules immediately come into effect.

4.2.2 Appointing an official representative

(Elections Act, ss. 137, 146; PPFA, ss. 28, 41(1.1), 49(1))

Once an individual makes the decision to become a leadership or nomination contestant, an official representative must be designated. Depending on the circumstances and timeframe of a particular contest, this may occur well in advance of the contest date and well in advance of registering with the Chief Electoral Officer. Thus, contributions may be solicited, financing may be secured, and expenditures may be incurred by an official representative prior to registration.

In the early stages of a contest or for the sake of simplicity, a leadership or nomination contestant may wish to fill the role of official representative themselves. Whether it is the contestant or another individual, only one official representative is permitted at any one time for each leadership or nomination contestant, thus ensuring legal responsibility for financial matters rests in the hands of one identified person.

There are criteria for disqualification from serving as an official representative of a leadership or nomination contestant. Please refer to section 2.1 for details.

The registration of an official representative shall be cancelled by the Chief Electoral Officer upon written application by a leadership or nomination contestant.

An official representative who ceases to serve in that capacity must be replaced without delay by the leadership or nomination contestant.

4.2.3 Applying for registration with Elections New Brunswick

(Elections Act, ss. 136.1, 136.2, 137, 139, 148)

Leadership contestants and nomination contestants must become registered with the Chief Electoral Officer according to the following process.

The Chief Electoral Officer has provided a [registration form \(P 04 843\)](#) on the Elections New Brunswick website. The form is also attached as *Appendix I: Application for Registration as a Leadership Contestant or Nomination Contestant*.

The contestant must complete Parts A to D of the form, providing:

1. Identification of the contestant;
2. Identification of the official representative;
3. Location of books, records, and accounts; and
4. Signature of the contestant.

The contestant must then forward the registration form to his or her political party. Each leadership or nomination contestant must be accepted as a contestant by their particular registered political party. Each party will have its own process by which it will vet the individual's candidacy and grant its acceptance.

Part E of the form provides for a statement that the contestant is accepted by the party. An authorized officer will sign the form and promptly forward it to the Chief Electoral Officer for registration. (The term "authorized officer" is intentionally generic to offer a sufficient degree of flexibility to the political party. There will likely be, for example, a "green light committee" that vets each contestant's application. A member of this committee could be authorized to sign on behalf of the political party to document the acceptance of the contestant.) Forms may be sent electronically to the email address ENBregistries@gnb.ca.

Upon receipt of the duly-completed application form, the Chief Electoral Officer will register the contestant and his or her official representative in the Registry of Leadership Contestants or the Registry of Nomination Contestants. Registration is deemed to occur upon entry in the registry maintained by the Chief Electoral Officer. The [registries](#) are posted on the website of Elections New Brunswick.

If the information changes, leadership and nomination contestants shall, without delay, provide the Chief Electoral Officer with information as needed to update the various registries.

4.3 Financial rules

A leadership or nomination contestant, through his or her official representative, may choose to solicit financial support to pay for the expenditures related to the leadership or nomination contest. This financial support may be in a variety of forms and may come from a variety of sources, including from the contestant.

With legislative changes introduced in 2017, rules for contributions, financing, and expenditures of a leadership or nomination contestant are very similar to the financial rules for registered political parties and registered district associations; however, there are also some important differences.

Please read section 2.8 for the rules on contributions and financing.

Please read section 2.9 for the rules on expenditures.³²

Note that the Act does not impose a spending limit on leadership or nomination contestants.

Guideline 69: The registration fee typically payable by any leadership contestant to his or her registered political party is an expenditure under the Act and is subject to all of the relevant provisions for expenditures. The registration fee must be paid by the official representative of the leadership contestant from contest funds.

4.3.1 Outstanding liabilities limited at time of filing final financial return

As found in section 2.8.7, subsection 39.1(3) of the Act is a very important provision for a leadership or nomination contestant to understand. It is designed to hold the contestant personally accountable for the finances of his or her campaign.

Ideally, with payment being made from contributions received prior to and after the convention, all liabilities arising from the contest should be paid in full prior to the official representative filing his or her final financial return with the Supervisor. The final financial return may be filed up to 18 months following the initial return (refer to section 4.6.5 for further details).

If liabilities remain outstanding at the time of filing the final financial return, the sum of the liabilities and any contributions the contestant has made to his or her own contest must not exceed \$3,000. If the sum exceeds the limit without having a reasonable excuse, the contestant has committed an offence of category E and may be subject to prosecution.³³ The provision for a reasonable excuse, however, allows for a suitable defense by the contestant against what would otherwise be an absolute liability offence.

³² The expenditures of a leadership or nomination contestant are not “election expenses” as defined under the Act.

³³ Upon a first conviction, a category E offence bears a fine of between \$240 and \$5,200.

4.3.2 Distribution of surplus funds

(PPFA, s. 47)

47(2.1) The surplus, if any, of the contributions less the expenditures reported to the Supervisor by an official representative of a registered leadership contestant or registered nomination contestant shall be distributed, within a time limit prescribed by the Supervisor,

(a) to the persons who made the contributions, or

(b) to any other person for any purpose approved by the Supervisor.

When a surplus of contributions less expenditures remains in the account of a registered leadership or nomination contestant, the official representative will suggest a person, community service group, or charitable organization to whom they would like to distribute the surplus. The Supervisor approves the distribution if he or she feels it is appropriate.

Guideline 70: Sixty days is the time limit prescribed by the Supervisor for the distribution of the surplus, if any, of the contributions less the expenditures reported to the Supervisor by the official representative of a registered leadership contestant or registered nomination contestant.

4.4 Assembling necessary documents and records

(PPFA, s. 46.1)

Immediately after an individual decides to seek the leadership or nomination of a registered political party, the official representative of the leadership or nomination contestant should assemble the necessary documents in which to record the financial transactions of that contestant. These would include:

1. Contestant receipt book: “contestant receipts” may be simple commercial receipts in duplicate, available at any office supplies store. For further details, refer to section 2.8.19.2.
2. Bank account: opening a new bank account for the purposes of the campaign of the leadership or nomination contestant is not a requirement under the Act; however, it may be desirable since contributions to the contestant must be deposited into a bank account and the contestant and the official representative may not wish to mingle contest-related transactions with personal banking transactions.
3. Transaction journal: each financial transaction should be recorded in a transaction journal or spreadsheet to assist the official representative in managing the financial affairs of the contestant. Along with the date, source, and description, each transaction should be appropriately classified as a contribution, financing, or expenditure in order to facilitate financial reporting after the leadership or nomination convention is held. A sample transaction journal has been provided *in Appendix L: Sample Transaction Journal for Leadership and Nomination Contestants*.
4. Filing system for expenditures: All invoices and receipts for expenditures should be maintained and readily accessible in one location.

4.5 Certificate of leadership or nomination convention

(Elections Act, ss. 136.1(3), 136.2(3), 139(5), 139(6))

Once a leadership or nomination convention is held and the leader or candidate has been elected, a certificate of leadership or nomination convention must be filed with the Chief Electoral Officer by an authorized officer of the registered political party. This will ensure that the Registry of Leadership Contestants and the Registry of Nomination Contestants are complete and accurate. Forms may be sent electronically to the email address ENBregistries@gnb.ca.

The Chief Electoral Officer has provided two forms on the Elections New Brunswick website for this purpose:

- [*P 04 845, Certificate of Leadership Convention; and*](#)
- [*P 04 847, Certificate of Nomination Convention.*](#)

These forms are also attached as:

- *Appendix J: Certificate of Leadership Convention; and*
- *Appendix K: Certificate of Nomination Convention.*

These certificates detail the leadership or nomination convention, including the contestants who stood for election, the individual elected, and any individuals who withdrew as contestants. Any contestant who withdrew from the contest and who applied in writing to the Chief Electoral Officer to have their registration cancelled would not be required to submit a financial return. All registered contestants, however, including contestants who were elected by acclamation, would have to submit a financial return.

4.6 Financial reporting requirements

The provisions of the Act that deal with the financial reporting requirements of registered leadership and nomination contestants are explained below. As explained in section 4.5 above, the official representatives of all leadership and nomination contestants registered at the time of the convention must submit one or more financial returns. Each financial return includes a sworn declaration that, to the best of the representative's knowledge and belief, the return is complete, true, and accurate. The return must be sworn before a notary public or a commissioner of oaths. Alternatively, each office of Service New Brunswick has at least one employee before whom the return may be sworn.

4.6.1 Deadlines for filing initial financial returns

(Elections Act, s. 2; PPSA, ss. 61, 62.1)

The official representative of a registered leadership contestant must, within 60 days after the leadership convention, submit a financial return to the Supervisor of Political Financing.

The official representative of a registered nomination contestant must, within 30 days after the nomination convention, submit a financial return to the Supervisor of Political Financing.

If the final date for submitting either of these financial returns falls during an election period³⁴, the date shall be extended to 90 days after the polling day of the election.

4.6.2 Financial reporting period

(PPFA, s. 62.1(1))

The period of time covered by a financial return of a leadership or nomination contestant is flexible. It begins whenever the first expenditure, contribution, or financing was transacted and ends when the financial return is submitted. This provides flexibility for the official representative of a contestant to wrap up all financial matters, including resolving any liabilities and distributing any surplus, prior to filing the financial return.

4.6.3 Simplified reporting for total of \$2,000 or less in financial support

(PPFA, s. 62.1(2)(a))

The Supervisor has provided an electronic template, [Financial Return of Registered Leadership Contestant or Registered Nomination Contestant \(P 04 925\)](#), on the website of Elections New Brunswick for use by official representatives of leadership and nomination contestants.

For those contestants whose total value of contributions and financing is \$2,000 or less, the return provides for a sworn declaration of this fact. Simplified reporting requirements mean that only the first

³⁴ The *Elections Act* defines "election period" as "the period commencing with the issue of a writ for an election and ending when the candidate or candidates have been returned as elected." The writs of election are returnable on the eleventh day following ordinary polling day.

page of the financial return must be submitted by the official representative. No disclosure is required of financial support received or expenditures incurred.

4.6.4 Detailed reporting for total of more than \$2,000 in financial support

(PPFA, ss. 62.1(2)(b), 62.1(3))

For leadership and nomination contestants whose total value of contributions and financing exceeds \$2,000, the same [financial return](#) referred to above will be completed. In these cases, however, the return provides for an alternate sworn declaration that financial support exceeded \$2,000. Detailed financial information is then required to be submitted on supplementary schedules, including the details of all contributions received, all financing obtained, and the total only of expenditures incurred. The return shall be prepared in accordance with any relevant guidelines reflected in this manual. To the best of his or her knowledge and belief, the return is sworn by the official representative to be complete, true, and accurate.

Maintaining the records discussed in section 4.4 should allow for an easy completion of the financial return by the official representative.

4.6.5 Supplementary financial returns

(PPFA, ss.61, 62.1(3))

If any liabilities or any surplus are shown to be outstanding on a financial return, supplementary financial returns will be required every six months following the filing of the initial return. (If the initial return is filed late, the Supervisor has determined that the initial due date would become the relevant date for determining when supplementary returns would, in turn, be due.) These returns will be an extension of the previously-filed return; thus, the latest return will always show a complete picture of the contest finances as of that filing date.

Up to three supplementary financial returns may be filed after the initial financial return. As a result, the official representative has up to 18 months after the submission of the initial financial return or from the date it was due to be filed, whichever is earlier, within which to distribute any surplus or to collect additional contributions and pay off any outstanding liabilities.

If the final date for submitting any of these financial returns falls during an election period, the date shall be extended to 90 days after the polling day of the election.

4.6.6 Publication on website of Elections New Brunswick

(PPFA, ss. 61, 63)

All financial returns of registered leadership and nomination contestants will be published on the website of Elections New Brunswick not later than 30 days after receipt of the financial return by the Supervisor. A status report on the website also identifies whether returns were filed on time or were late.

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For financial returns reporting more than \$2,000 in financial support, contributors whose contributions totaled \$100 or less are reported on an appendix to the financial return. This appendix will not be made available for public inspection.

5 Elections: Independent Candidates

For a person intending to run as an independent candidate in a provincial general election or by-election, he or she may operate either as:

1. an “unregistered independent candidate”, or
2. a “registered independent candidate”.

These options are discussed in this chapter.

5.1 Unregistered independent candidate

(PPFA, s.71)

The criteria for operating as an unregistered independent candidate are:

1. The candidate intends to incur \$2,000 or less in election expenses;
2. The candidate intends to spend only his or her own money and will not be seeking any contributions or financing; and
3. The election expenses will only be incurred during the election period.

If all three of these criteria are met, the candidate is not required to register with Elections New Brunswick. By not registering, the candidate does not have to appoint an official representative and will not be permitted solicit contributions or arrange financing.

The candidate must still have an official agent. The candidate appoints his or her official agent on the nomination paper filed with the returning officer for the applicable electoral district. The rules regarding election expenses and election-related activities are the same for an unregistered independent candidate as for an official candidate of a registered political party. The candidate must report all election expenses incurred personally to the official agent who must file an electoral financial return on behalf of the candidate. **Refer to Chapter 3 for full details on these rules.**

5.2 Registered independent candidate

(*Elections Act*, ss. 137 and 138)

In contrast to an *unregistered* independent candidate, an independent candidate who intends to do any one of the following must register with Elections New Brunswick and comply with all relevant provisions of the Act regarding the financing of their campaigns:

1. Accept external contributions or financing;
2. Spend money to promote themselves outside an election period; or
3. Spend more than \$2,000 to promote themselves during an election period.

Such a candidate is referred to as a “registered independent candidate”.

The Supervisor has provided a registration form for independent candidates, [P 04 841.1](#), on the website of Elections New Brunswick.

The registration form is also attached as *Appendix N: Application for Registration as an Independent Candidate*, and includes three parts:

- *P 04 841.1 Application for Registration as an Independent Candidate;*
- *P 04 841.2 Notice of Official Representative for a Registered Independent Candidate; and*
- *P 04 841.3 Notice of Official Agent for an Independent Candidate.*

5.2.1 Appointment of official representative

137(4) Each registered independent candidate shall, within twenty days after he becomes registered, file with the Chief Electoral Officer a notice signed by him setting out the name and address of his official representative.

137(5) Only one official representative shall be registered for each ... registered independent candidate ... at any one time.

The notice of appointment of an official representative is part of the application for registration referred to above.

The official representative of a registered independent candidate performs the same function as that of a registered political party when it comes to contributions.

Refer to sections 2.8 and 2.9 for full details on contributions, financing, and non-election expenditures.

The official representative will also:

1. Request from the Supervisor receipts to acknowledge contributions;
2. Prepare and sign receipts;

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3. Retain signed duplicates of receipts issued; and
4. Return unused receipts to the Supervisor.

5.2.2 Appointment of official agent

138(4) Each registered independent candidate shall, within twenty days after he becomes registered, file with the Chief Electoral Officer a notice signed by him setting out the name and address of his official agent.

138(5) The official agent of a registered independent candidate may be the same person as the official representative of that candidate if he is registered with the Chief Electoral Officer both as official representative and as official agent of that candidate.

138(6) Only ... one official agent shall be registered for any registered independent candidate at any one time.

To make the process as simple and efficient as possible, the Supervisor recommends that the same person serve as both official representative and official agent of a registered independent candidate.

The notice of appointment of an official agent is part of the application for registration referred to in section 5.2.

Refer to Chapter 3 for full details of the responsibilities of an official agent regarding election-related expenditures.

5.2.3 Financial returns for registered independent candidates

62(1) Not later than March 31 in each year, the official representative of a registered independent candidate shall, on a form provided by the Supervisor, submit a financial return to the Supervisor for the preceding calendar year.

62(2) The financial return shall be prepared in accordance with the guidelines issued by the Supervisor, contain the information that the Supervisor considers necessary for the period covered by the return and be accompanied by the financial documents required by the Supervisor, except that no registered independent candidate shall be required to set out his or her personal income.

If the official representative is not the same person as the official agent, or if the independent candidate has been registered longer than the calendar year of the election, then a financial return is required to be filed by the following March 31 for each calendar year of registration. The Supervisor has provided an electronic template, [Financial Return of Official Representative of Registered Independent Candidate \(P 04 917\)](#), on the website of Elections New Brunswick.

If the same person is filling both roles and filing a joint financial return, the joint return will be due by the deadline set for electoral financial returns for candidates (refer to section 3.6.2). An updated joint financial return would then be required by March 31 to cover the full calendar year of registration. The Supervisor has provided an electronic template, [Joint Financial Return of Official Representative and](#)

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[Official Agent for Registered Independent Candidate \(P 04 921\)](#), on the website of Elections New Brunswick.

If transactions are still occurring in the subsequent calendar year or years, then one or more additional annual financial returns would be required until the candidate's registration is cancelled.

6 Elections: Third Parties

In the electoral process, electors and candidates are generally thought of as the “first” and “second” parties to the election process. “Third” parties would include, but are not limited to, the following entities who might wish to advertise during an election:

- Individuals;
- Corporations;
- Trade unions or their locals;
- Business associations;
- Charitable organizations;
- Social clubs; and
- Community action groups.

Provisions added to the *Political Process Financing Act* in 2008 created a system of registration and disclosure for third parties who wish to advertise during provincial elections. The system applies to third parties who advertise during a “campaign period” and promote or oppose a registered political party or the election of a candidate or take a position on an issue with which a registered political party or a candidate is associated.

The provisions set disclosure requirements for advertisements, establish a registration process with the Supervisor of Political Financing, establish spending limits, require the appointment of a chief financial officer, and require the filing of a report on advertising expenditures and all contributions and loans received to finance those expenditures. The system is based largely on the model set out in the *Canada Elections Act* for third parties participating in federal elections.

In this chapter, the following topics are discussed:

1. Definitions;
2. Registration and appointment of a chief financial officer;
3. Election advertising;
4. Identification disclosures;
5. Prohibitions;
6. Election advertising contributions;
7. Spending limits;
8. Financial reporting;
9. Registry and financial reports available to public; and
10. Offences.

6.1 Definitions

(PPFA, s. 84.1)

The Act provides the following important definitions:

“campaign period” means the period beginning with the issue of a writ for an election and ending on polling day.

“third party” means a person or group other than a registered political party, a registered district association or a candidate.

“group” means a group of persons acting together by mutual consent for a common purpose, and includes a trade union.

“election advertising” means a message transmitted to the public by any means during a campaign period that promotes or opposes a registered political party or the election of a candidate or takes a position on an issue with which a registered political party or a candidate is associated, but does not include the following:

(a) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;

(b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if it was planned that the book be made available to the public regardless of whether there was an election;

(c) the transmission of a document directly by a person or a group to its members, employees or shareholders, as the case may be; and

(d) the transmission by an individual, on a non-commercial basis, of his or her personal political views via the Internet.

“election advertising expense” means an amount paid, a liability incurred or the value of a non-monetary contribution accepted for the purpose of producing or transmitting election advertising.

“election advertising contribution” means a service, money or other property donated to a third party to support its election advertising but does not include the following:

(a) the donation by an individual of his or her personal services, talents or expertise or of the use of his or her vehicle and the product of that donation, if it is given freely and not as part of work provided by the individual in the service of an employer; and

(b) a loan granted for the purpose of election advertising at a fair market rate of interest.

6.2 Registration and appointment of a chief financial officer

(PPFA, ss. 84.3, 84.35, 84.4)

Only those third parties who incur more than \$500 in election advertising expenses must register with Elections New Brunswick and follow the remaining provisions. Third parties who intend to spend more than \$500 may, of course, register in advance of doing so.

Before applying to register with the Supervisor of Political Financing, a third party must appoint a chief financial officer. A chief financial officer will be responsible for:

1. Ensuring that the third party complies with the provisions of the Act;
2. Accepting election advertising contributions and loans made to the third party;
3. Authorizing all election advertising expenses incurred by or on behalf of the third party;
4. Maintaining the books, records and other documents of the third party; and
5. Filing the required financial reports with the Supervisor.

A chief financial officer may authorize a person to accept election advertising contributions on behalf of the third party or incur election advertising expenses, but that authorization does not limit the responsibilities of the chief financial officer as described above.

Upon registration with the Supervisor, the third party must provide the source of election advertising contributions received by the third party during the six months preceding the application for registration.

On receiving an application for registration, the Supervisor will review it for compliance with the Act and notify the applicant whether the third party's registration has been accepted. The Supervisor may reject the application for registration for specified reasons.

The four-page registration form, [P 04 961](#), provided by the Supervisor is found on the website of Elections New Brunswick. Forms may be sent electronically to the email address ENBregistries@gnb.ca.

6.3 Election advertising

From the definition of “election advertising” provided in section 6.1, it can be seen that prescribed forms of messages transmitted to the public during a campaign period are subject to financial limits and disclosure requirements. Prior to the campaign period, however, a third party may advertise without any PPFA-related restrictions.

Guideline 71: If an advertisement is produced prior to the campaign period but is transmitted to the public during the campaign period, its full cost of production must be treated as an election advertising expense of the third party and is subject to the spending limits.

The following example illustrates this important point:

A third party produces television advertisements that take a position on an issue with which a political party or candidate is, or may likely become, associated. The costs of producing and broadcasting this advertising prior to the writ are of no concern under the PPFA; however, if the advertisements are placed on the third party’s website or YouTube channel and are accessible for transmission to the public during the campaign period, the full cost of producing the advertisement must be included in the third party’s reportable election advertising expenses.

If such inclusion of the production costs would cause the third party to exceed its spending limit under the PPFA, then the advertisement would have to be removed from the website, You Tube channel, or other social media platform at the commencement of the campaign period.

In order for signs to be considered election advertising, there must be an intention by the advertiser that the advertising is being transmitted in contemplation of or in connection with an election. This means, for example, that signs placed by a person or group years or several months in advance of an election and taking a position on an issue with which a candidate or political party is associated during the election might not have been placed with the intention that it would influence the election. If such older advertising continues to be on public display during the current campaign period, this does not automatically cause it to become election advertising and the facts in each case, including the type of messaging and the circumstances surrounding the placing of the signs, would need to be considered.

In contrast, where signs that otherwise meet the definition of election advertising are placed prior, but relatively close in time, to the beginning of the campaign period, and where a reasonable person would conclude that they were placed with a view to influencing voters and having an impact upon the election, then this advertising will likely be considered to be election advertising and treated as such.

The third party considered to be transmitting election advertising would be the party who authorized or paid for the advertising. Whether distributed free-of-charge at information booths or at rallies, or sold at cost-recovery or for a profit, it is the third party who authorized or paid for the advertising who is the transmitter – not the person who received the advertising and chose to place a sign in their window, on their vehicle, or on their front lawn. This individual person is only acting essentially as an agent for the provider of the advertising. Thus, the identification disclosures required on the advertising would be that

of the third party who originally provided the advertising. The relevant expense limit would apply to this third party.

6.4 Identification disclosures

(PPFA, s. 84.2)

The identification disclosure provisions for advertisements apply to any third party who advertises during a campaign period – even an individual who posts one lawn sign on his or her property. The Act requires the third party to identify itself in any election advertising that it places by including the name of the third party and the name of the person responsible for the third party's books and records and his or her telephone number or address. The advertising must also indicate that the third party has authorized the advertising.

Three examples of acceptable third-party advertising disclosures are provided:

1. Individual, group or organization required to register as a third party:

“Authorized by NAME OF REGISTERED THIRD PARTY. Books and records maintained by JOHN DOE, Chief Financial Officer, telephone number or address.”

2. Group or organization not required to register as a third party:

“Authorized by NAME OF THIRD PARTY. Books and records maintained by JOHN DOE, telephone number or address.”

3. Individual not required to register as a third party:

“Authorized by NAME OF INDIVIDUAL. Books and records maintained by JOHN DOE, telephone number or address.”

In this third example, the names may be the same.

6.5 Prohibitions

(PPFA, ss. 84.2, 84.8)

A third party must not circumvent or attempt to circumvent the provisions of the Act regarding spending limits or registration, in any manner including either of the following:

- (a) by splitting itself into two or more third parties; or
- (b) by acting in collusion with another third party so that their combined election advertising expenses exceed a prescribed limit.

Moreover, a third party and a registered political party, registered district association, or candidate must not collude to circumvent or attempt to circumvent provisions of the Act.

Third-party election advertising must not appear to be that of a political party or candidate.

Finally, third parties are subject to the restricted advertising period of the Sunday before ordinary polling day and polling day itself, as required under section 117 of the *Elections Act*. Refer to section 3.3.3.7.1 for further details.

6.6 Election advertising contributions

(PPFA, s. 84.5)

A third party shall only accept election advertising contributions from (a) individuals who are ordinarily resident in the Province, (b) trade unions³⁵, and (c) corporations³⁶.

Unlike contributions made to political parties or candidates, there are no limits on the amount of contributions that may be donated to third parties and the contributions are not eligible for the New Brunswick Political Contributions Tax Credit.

6.7 Spending limits

(PPFA, s. 84.15)

The Act establishes limits on the amount of money a third party may spend on election advertising:

1. In a general election, a province-wide limit is calculated as 1.3% of the election expenses limit of registered political parties that present a full slate of candidates in all electoral districts.
2. Election advertising expenses relating to a single electoral district are limited to 10% of the province-wide limit.
3. For election advertising transmitted during the campaign period for a by-election, a third party shall not incur expenses for election advertising that relates to a single electoral district that in total exceed the amount calculated in item (2) for that electoral district for the most recently held general election.

For the purposes of item 2, election advertising relates to a single electoral district if

- (a) the election advertising promotes or opposes the election of one or more of the electoral district's candidates, or

³⁵ "trade union" means, except for the purposes of section 88, a trade union as defined by the Industrial Relations Act and the Canada Labour Code (Canada), that holds bargaining rights for employees in the Province to whom those Acts apply [PPFA, s. 1(1)].

³⁶ "corporation" means, except for the purpose of section 88, any corporation incorporated under the laws of the Province and any corporation having its head or other office or doing business or any part thereof in the Province" [PPFA, s. 1(1)]. Corporations that are associated with one another under section 256 of the Income Tax Act (Canada), shall be considered as a single corporation for the purposes of this Act [PPFA, s. 1(3)].

Elections: Third Parties

(b) the election advertising is transmitted in the electoral district in any of the following forms:

- (i) handbills;
- (ii) posters;
- (iii) billboards;
- (iv) electronic billboards;
- (v) other types of signs.

The [spending limits](#) for the pending (or most recent) election are available on the website of Elections New Brunswick at

http://www.electionsnb.ca/content/enb/en/political-financing/information_guidelines.html.

As part of completing the advertising expenditure report of a registered third party, it is necessary to report the amount of election advertising expenses that related to one or more single electoral districts and the amount of those expenses that related to a province-wide campaign.

To be able to allocate the costs of individual invoices to single electoral districts, it will be necessary to track the physical quantities of advertising materials that, as described above, either (a) promote or oppose the election of one or more of the candidates in an electoral district, or (b) were transmitted in the electoral district in any of the prescribed forms. The cost allocated to each electoral district is subject to the spending limit for a single electoral district. For example:

An order of 2,000 brochures was distributed door-to-door equally in four adjoining electoral districts, or 500 brochures per district. The cost of the order was \$2,000 inclusive of HST, or \$1 per brochure. This particular invoice will be broken down on the advertising expenditure report and reported at \$500 in election advertising expenses for each of the four electoral districts for a total of \$2,000.

In contrast, a newspaper advertisement published in the *Telegraph-Journal* or *L'Acadie Nouvelle* that promotes a social issue of the day does not meet the criteria of either (a) or (b) above. Rather, the newspaper is distributed throughout the province. Hence, the invoice for the newspaper advertisement will be reported as a province-wide election advertising expense and is subject to the province-wide spending limit.

Guideline 72: In order to properly allocate and report the costs of election advertising expenses, a registered third party must keep track of the physical quantities of advertising materials that are transmitted in each electoral district.

6.8 Financial reporting

(PPFA, ss. 84.6 and 84.7)

Within 90 days after polling day, the chief financial officer of a registered third party must file an “advertising expenditure report” with the Supervisor. The template for the advertising expenditure report, P 04 965, is available on the website of Elections New Brunswick at

<http://www.electionsnb.ca/content/enb/en/political-financing/electoral-financial-returns.html>.

6.8.1 Supplementary financial reporting

84.6(7) If a registered third party’s election advertising expenses exceed the sum of its election advertising contributions and the amount of any of its own funds it has used to finance its election advertising, the third party shall file a further report within 6 months after it has filed its advertising expenditure report, which further report shall contain the following information:

(a) the amount by which those expenses continue to exceed election advertising contributions and any amounts paid out of its own funds; and

(b) if the third party received election advertising contributions after its advertising expenditure report was filed, the name and address of each contributor and the value of the contributions.

84.6(8) A registered third party shall file a report under subsection (7) within 12 months after it last filed a report under that subsection if, when that report was filed, its election advertising expenses continued to exceed the sum of its election advertising contributions and any amounts that it paid out of its own funds to finance its election advertising.

6.8.2 Audits

The Supervisor may require that the financial reports of a third party be audited by an accountant appointed by the Supervisor.

6.9 Registry and financial reports available to public

(PPFA, s. 84.9)

The Supervisor maintains a registry of registered third parties.

The registry and all advertising expenditure reports filed by the registered third parties will be available to the public at the offices and on the website of Elections New Brunswick. Details of contributions will be made public for only contributions exceeding \$100 per contributor.

6.10 Offences

Failure to comply with the provisions of the Act constitutes an offence on the part of the chief financial officer and other relevant persons. Offences are classified at a category H level under the *Provincial Offences Procedures Act*, a high classification of offence under that Act for serious provincial offences involving, among other things, the integrity of the political system. A first-time conviction would result in a fine ranging from \$500 to \$20,500 or a jail term of not more than 180 days.

Refer to Chapter 7 for further details on offences and penalties.

7 Offences and Penalties

A person who violates or fails to comply with specific provisions of the *Political Process Financing Act* commits an offence.

All of the provisions in the Act that include such offences, and their related category of offence under the *Provincial Offences Procedure Act*, are listed in *Appendix O: All offence provisions of the Political Process Financing Act*. The fines associated with each category of offence are listed in *Appendix P: Fines under Provincial Offences Procedure Act*.

8 Claims Contested in Court

(PPFA, s.91)

The Act contemplates that chief agents, official agents, and official representatives may dispute claims made by a supplier for expenditures allegedly incurred by them or another duly-authorized person. Such disputed claims are deemed to be contested claims.

The claimant may bring an action in respect of such contested claims in any court of competent jurisdiction in the name of the chief agent, official agent, or official representative. Any property that was under their respective control is deemed to be available to satisfy a judgment in favour of such a claimant.

The provisions of the Act are as follows:

91(1) Where a chief agent or official agent contests or fails to pay any claim for election expenses allegedly incurred by him or by a person authorized by him, the claim shall be deemed to be a contested claim and the claimant may, in accordance with subsection (3), bring an action to recover the claim.

91(2) Where an official representative of a registered political party, registered district association, registered independent candidate, leadership contestant or nomination contestant contests any claim for expenditures other than election expenses allegedly incurred by him or by a person authorized by him the claim shall be deemed to be a contested claim and the claimant may, in accordance with subsection (3), bring an action to recover the claim.

91(3) An action in respect of a contested claim may be brought in any court of competent jurisdiction and

(a) in respect of a claim for election expenses against a registered political party, shall be brought in the name of the chief agent of that party at the date of the issue of the writ;

(b) in respect of a claim for election expenses against a candidate, shall be brought in the name of the official agent of that candidate at the date the subject matter of the claim arose;

(c) in respect of a claim for expenditures other than election expenses against a registered political party or registered district association, shall be brought in the name of the official representative of that party or association at the date of the issue of the writ;

(c.1) in respect of a claim for expenditures against a leadership contestant or nomination contestant, shall be brought in the name of the official representative of that contestant at the date the subject matter of the claim arose;

(d) in respect of a claim for expenditures other than election expenses against a registered independent candidate, shall be brought in the name of the official representative of that candidate at the date the subject matter of the claim arose.

91(4) Any property that is within the control of, or from time to time comes within the control of, a registered political party or, by virtue of his office, the chief agent or official representative of that party shall be deemed to be available to satisfy a judgment in favour of a claimant who brings an action under subsection (3) in the name of a chief agent or official representative of that party.

91(5) Any property that is within the control of, or from time to time comes within the control of, a registered district association or, by virtue of his office, the official representative of that association shall be deemed to be available to satisfy a judgment in favour of a claimant who brings an action under subsection (3) in the name of an official representative of that association or in the name of an official agent of an official candidate in the electoral district of the registered political party associated with that association.

91(6) Any property that by virtue of his office is within the control of, or from time to time comes within the control of, the official representative of a registered independent candidate shall be deemed to be available to satisfy a judgment in favour of a claimant who brings an action under subsection (3) in the name of an official representative of that candidate.


91(6.1) Any property that by virtue of his or her office is within the control of, or from time to time comes within the control of, the official representative of a leadership contestant or nomination contestant shall be deemed to be available to satisfy a judgment in favour of a claimant who brings an action under subsection (3) in the name of an official representative of that contestant.

91(7) Any property that by virtue of his office is within the control of, or from time to time comes within the control of the official agent of a candidate shall be deemed to be available to satisfy a judgment in favour of a claimant who brings an action under subsection (3) in the name of an official agent of that candidate.


Appendix A: Payments to Registered Political Parties for Fiscal Year 2018-2019

Elections New Brunswick					
Annual Allowance payable to qualifying registered political parties					
Pursuant to sections 31, 32, and 33 of the <i>Political Process Financing Act</i>					
For the fiscal year 2018-19					Amount
Main Estimates	Appropriation authorized by Legislature				\$668,000
Audit Fee	For the prior calendar-year's audit fees, payable in				
Reimbursements	first quarter of current fiscal year				
	Number of registered political parties		6		
	Maximum reimbursement per party		\$ 7,000		\$42,000
Budget remaining					<u>\$626,000</u>
Annual Allowance payments	Registered political parties qualifying for annual allowance payments	Valid votes received in preceding provincial general election (2014)	Proportion of valid votes received, rounded to 3 decimal places	Allocation based on proportion of valid votes received, rounded to nearest dollar	Equal quarterly instalments
	Liberal	158,852	0.430	\$269,180	\$67,295.00
	Progressive Conservative	128,799	0.350	\$219,100	\$54,775.00
	New Democratic Party	48,259	0.131	\$82,006	\$20,501.50
	Parti Vert NB Green Party	24,572	0.067	\$41,942	\$10,485.50
	People's Alliance of NB	7,964	0.022	\$13,772	\$3,443.00
	Total	368,446	1.000	\$626,000	\$156,500.00
Adjustment for Inflation					
Consumer Price Index					
	57(1.1)	Oct-16	129.1	Oct-16	129.1
		Nov-16	128.6	Nov-16	128.6
		Dec-16	128.4	Dec-16	128.4
		Jan-17	129.5	Jan-17	129.5
		Feb-17	129.7	Feb-17	129.7
		Mar-17	129.9	Mar-17	129.9
		Apr-17	130.4	Apr-17	130.4
		May-17	130.5	May-17	130.5
		Jun-17	130.4	Jun-17	130.4
		Jul-17	130.4	Jul-17	130.4
		Aug-17	130.5	Aug-17	130.5
		Sep-17	130.8	Sep-17	130.8
	57(1.3)(a)		1,558.2		1,558.2
	57(1.3)(b),(c)	Average / moyenne	129.850		129.850
		Factor/facteur	<u>1.000</u>		
Base reimbursement of auditing expenses					
	57(1)		\$ 7,000		
Adjusted reimbursement of auditing expenses					
	57(1.2)		<u>\$ 7,000</u>		


Appendix B: Certificate of Authorization to Solicit Contributions

Certificate of Authorization to Solicit Contributions on behalf of Official Representative <i>(Political Process Financing Act, S.N.B. 1978, c.P-9.3, s.41 and s.42)</i>		P 04 931 (2010-06-03)
TO WHOM IT MAY CONCERN:		
Pursuant to Sections 41 and 42 of the <i>Political Process Financing Act</i> ,		
I, _____, of _____,		
(name of official representative) (address of official representative)		
of the _____,		
(name of party / district association / independent candidate)		
a registered political party / district association / independent candidate under the <i>Elections Act</i> ,		
hereby authorize _____, of		
(name of authorized person)		
_____, to solicit and receive contributions on		
(address of authorized person)		
behalf of said _____		
(name of party / district association / independent candidate)		
in accordance with the <i>Political Process Financing Act</i> , and I further authorize the said		
_____ to exhibit this certificate, upon		
(name of authorized person)		
request, as evidence of the authority herein granted.		
This authorization shall be effective as of the _____ day of _____, 20____,		
and shall continue in effect only until the _____ day of _____, 20____, or until		
sooner as revoked by me or my successor in office.		
_____ Signature of Official Representative		
_____ Date Signed		
Note: This certificate is to be carried at all times when soliciting or receiving contributions and shall be exhibited upon request. The authority herein granted is not transferable.		

Appendix C: Certificate of Authorization to Incur Non-Election Expenditures

<p>Certificate of Authorization to Incur Non-Election Expenditures on Behalf of Official Representative <i>(Political Process Financing Act, S.N.B. 1978, c.P-93, s.49)</i></p>		<p>P 04 933 (2010-06-03)</p>
<p>TO WHOM IT MAY CONCERN:</p>		
<p>Pursuant to Section 49 of the <i>Political Process Financing Act</i>,</p>		
<p>I, _____, of _____,</p>		
<p>(name of official representative) (address of official representative)</p>		
<p>of the _____,</p>		
<p>(name of party / district association / independent candidate)</p>		
<p>a registered political party / district association / independent candidate under the <i>Elections Act</i>,</p>		
<p>hereby authorize _____,</p>		
<p>(name of authorized person)</p>		
<p>of _____,</p>		
<p>(address of authorized person)</p>		
<p>to incur non-election expenditures</p>		
<p>on behalf of said _____,</p>		
<p>(name of party / district association / independent candidate)</p>		
<p>in accordance with the <i>Political Process Financing Act</i>; and I further authorize the said</p>		
<p>_____ to exhibit this certificate, upon</p>		
<p>(name of authorized person)</p>		
<p>request, as evidence of the authority herein granted.</p>		
<p>This authorization shall be effective as of the _____ day of _____, 20____,</p>		
<p>and shall continue in effect only until the _____ day of _____, 20____, or until</p>		
<p>sooner as revoked by me or my successor in office.</p>		
<p>_____</p>		<p>Signature of Official Representative</p>
<p>_____</p>		<p>Date Signed</p>
<p>Note: This certificate is to be carried at all times when incurring non-election expenditures and shall be exhibited upon request. The authority herein granted is not transferable.</p>		

Appendix D: Certificate of Authorization to Incur Election Expenses

Certificate of Authorization to incur Election Expenses on Behalf of Official/Chief Agent <i>(Political Process Financing Act, S.N.B. 1978, c.P-9.3, s.70)</i>		P 04 935 (2010-06-03)
TO WHOM IT MAY CONCERN:		
Pursuant to Section 70 of the <i>Political Process Financing Act</i> ,		
I, _____, of _____,		
(name of official/chief agent) (address of official/chief agent)		
official/chief agent for _____,		
(name of candidate/party)		
in the _____,		
(name of electoral district/the province)		
in the general election or by-election to held on the _____ day of _____, 20____,		
hereby authorize _____, of		
(name of authorized person)		
_____, to incur election expenses on behalf		
(address of authorized person)		
of said _____ in accordance with		
(name of candidate/party)		
the <i>Political Process Financing Act</i> , and I further authorize the said		
_____, to exhibit this certificate, upon		
(name of authorized person)		
request, as evidence of the authority herein granted.		
This authorization shall be effective as of the _____ day of _____, 20____,		
and shall continue in effect only until the _____ day of _____, 20____, or until		
sooner as revoked by me or my successor in office.		
		_____ Signature of Official/Chief Agent
		_____ Date Signed
Note: This certificate is to be carried at all times when incurring election expenses and shall be exhibited upon request. The authority herein granted is not transferable.		

Appendix E: Receipt to Acknowledge Contributions

<p><i>Political Process Financing Act, S.N.B. 1978, c. P-9.3, s. 46</i> <i>Loi sur le financement de l'activité politique, L.N.-B. 1978, ch. P-9.3, art. 46</i></p> <p><i>New Brunswick Income Tax Act, S.N.B. 2000, c. N-6.001, s. 61</i> <i>Loi de l'impôt sur le revenu du Nouveau-Brunswick, L.N.-B. 2000, ch. N-6.001, art. 61</i></p> <p>*Contributions of property and services are not eligible for an income tax credit *Les contributions des biens et services ne sont pas admissibles à un crédit d'impôt sur le revenu</p> <p>RECEIVED FROM REÇU DE</p> <p>FULL NAME / NOM EN TOUTES LETTRES _____</p> <p>MAILING ADDRESS / ADRESSE POSTALE _____ _____</p>	<p>DATE RECEIVED DATE DE RÉCEPTION</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 33%;">DAY / MOIS / ANNEE</td> <td style="width: 33%;">MONTH / MOIS / ANNEE</td> <td style="width: 33%;">YEAR / ANNEE</td> </tr> </table>	DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE	<p>DATE ISSUED DATE DE REMISE</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 33%;">DAY / MOIS / ANNEE</td> <td style="width: 33%;">MONTH / MOIS / ANNEE</td> <td style="width: 33%;">YEAR / ANNEE</td> </tr> </table>	DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE	<p>RECEIPT REÇU</p> <p>NO. 298801</p>
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1	AMOUNT RECEIVED / MONTANT REÇU		<table border="1" style="width: 100%; height: 30px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>						
PARTY/PARTI		SIGNATURE OF OFFICIAL REPRESENTATIVE SIGNATURE DU REPRÉSENTANT OFFICIEL							
<p> <input type="checkbox"/> CORP. / CORP. <input type="checkbox"/> TRADE UNION / SYNDICAT <input type="checkbox"/> INDIVIDUAL / PARTICULIER <input type="checkbox"/> CASH / EN ARGENT <input type="checkbox"/> CHEQUE / CHÈQUE <input type="checkbox"/> DEBIT/CREDIT CARD / CARTE DÉBIT/CRÉDIT <input type="checkbox"/> PROPERTY & SERVICES* / BIENS ET SERVICES* </p> <p> FIRST COPY - CONTRIBUTOR / PREMIÈRE COPIE - DONATEUR SECOND COPY - SUPERVISOR OF POLITICAL FINANCING / DEUXIÈME COPIE - CONTRÔLEUR DU FINANCEMENT POLITIQUE THIRD COPY - PARTY / TROISIÈME COPIE - PARTI </p>									
<p><i>Political Process Financing Act, S.N.B. 1978, c. P-9.3, s. 46</i> <i>Loi sur le financement de l'activité politique, L.N.-B. 1978, ch. P-9.3, art. 46</i></p> <p><i>New Brunswick Income Tax Act, S.N.B. 2000, c. N-6.001, s. 61</i> <i>Loi de l'impôt sur le revenu du Nouveau-Brunswick, L.N.-B. 2000, ch. N-6.001, art. 61</i></p> <p>*Contributions of property and services are not eligible for an income tax credit *Les contributions des biens et services ne sont pas admissibles à un crédit d'impôt sur le revenu</p> <p>RECEIVED FROM REÇU DE</p> <p>FULL NAME / NOM EN TOUTES LETTRES _____</p> <p>MAILING ADDRESS / ADRESSE POSTALE _____ _____</p>	<p>DATE RECEIVED DATE DE RÉCEPTION</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 33%;">DAY / MOIS / ANNEE</td> <td style="width: 33%;">MONTH / MOIS / ANNEE</td> <td style="width: 33%;">YEAR / ANNEE</td> </tr> </table>	DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE	<p>DATE ISSUED DATE DE REMISE</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 33%;">DAY / MOIS / ANNEE</td> <td style="width: 33%;">MONTH / MOIS / ANNEE</td> <td style="width: 33%;">YEAR / ANNEE</td> </tr> </table>	DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE	<p>RECEIPT REÇU</p> <p>NO. 298801</p>
DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE							
DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE							
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PARTY/PARTI		SIGNATURE OF OFFICIAL REPRESENTATIVE SIGNATURE DU REPRÉSENTANT OFFICIEL							
<p> <input type="checkbox"/> CORP. / CORP. <input type="checkbox"/> TRADE UNION / SYNDICAT <input type="checkbox"/> INDIVIDUAL / PARTICULIER <input type="checkbox"/> CASH / EN ARGENT <input type="checkbox"/> CHEQUE / CHÈQUE <input type="checkbox"/> DEBIT/CREDIT CARD / CARTE DÉBIT/CRÉDIT <input type="checkbox"/> PROPERTY & SERVICES* / BIENS ET SERVICES* </p> <p> FIRST COPY - CONTRIBUTOR / PREMIÈRE COPIE - DONATEUR SECOND COPY - SUPERVISOR OF POLITICAL FINANCING / DEUXIÈME COPIE - CONTRÔLEUR DU FINANCEMENT POLITIQUE THIRD COPY - PARTY / TROISIÈME COPIE - PARTI </p>									
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DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE							
DAY / MOIS / ANNEE	MONTH / MOIS / ANNEE	YEAR / ANNEE							
3	AMOUNT RECEIVED / MONTANT REÇU		<table border="1" style="width: 100%; height: 30px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>						
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Appendix F: New Brunswick Political Contributions Tax Credit

The screenshot shows a web browser window displaying the New Brunswick Government website. The page title is "Political Contributions Tax Credit". The content includes a disclaimer, a definition of the credit, a note about the elimination of the credit for corporations as of June 1, 2017, a table detailing the credit amounts based on contribution levels, and contact information for inquiries.

Disclaimer: This is intended to provide information respecting the New Brunswick Political Contributions Tax Credit in the Province of New Brunswick under the *New Brunswick Income Tax Act* (the Act). This should not be regarded as a replacement of the laws, regulations or administrative documents to which it refers.

What is the Political Contributions Tax Credit?
 The Political Contributions Tax Credit is a non-refundable income tax credit. A taxpayer (individual or corporation) who contributes to a registered provincial political party, riding association or independent candidate for election to the New Brunswick legislature may claim this credit against provincial income taxes owing.

PLEASE NOTE: Effective June 1, 2017 the political contribution tax credit for corporations is eliminated. Political contributions made by corporations before June 1, 2017 will be eligible for the tax credit.


Amount of Contribution	Tax Credit
\$200 or less	75% of contribution
More than \$200 up to \$550	\$150 plus 50% of contribution exceeding \$200
More than \$550 up to \$1, 075	\$325 plus 33.33% of contribution exceeding \$550
	Maximum credit of \$500

Inquiries
 The New Brunswick Political Contributions Tax Credit is administered by the Canada Revenue Agency (CRA). For information, please contact CRA at:
 1-800-959-8281 (English)
 1 800-959-7383 (French)

The New Brunswick Political Contributions Tax Credit is only applicable to contributions of money. It is not applicable to contributions of property and services (contributions in kind).

Each contribution must be evidenced by a receipt issued under the *Political Process Financing Act* by the official representative of the registered political party or registered independent candidate receiving the contribution.


Appendix G1: Sample Fundraising Activity (Party pays direct costs)

FUNDRAISING ACTIVITY		 P 04 953	
Assumptions: Centralized deposit of tickets; Party pays direct costs		(2018-02-13)	
Association	_____		
Title of Activity	_____		
Nature of Activity	_____		
Date Held	_____		
Location	_____		
<hr/>			
	Quantity	Ticket Price	Amount
REVENUE			
<i>Monetary Contributions: Ticket price > \$10</i>			
Tickets - Price A	98	@ \$ 100.00	\$ 9,800.00
Tickets - Price B	20	@ \$ 50.00	\$ 1,000.00
Sub-total	118		<u>\$ 10,800.00</u>
<i>Property and Services Contributions</i>			
Donations in kind			\$ 1,500.00
Total Contribution Revenue to be receipted			<u>\$ 12,300.00</u>
<i>Non-contributions: Ticket price \$10 or less</i>			
Tickets - Price C	15	@ \$ 10.00	\$ 150.00
Tickets - Price D	10	@ \$ 5.00	\$ 50.00
Entrance fee, not receipted	25		\$ 200.00
Total Revenue			<u>\$ 12,500.00</u>
DIRECT COSTS			
Supplier	Description		
<i>Incurred by organizer:</i>			
Staples	Tickets and advertisers		\$ 500.00
Community Services Club	Venue		\$ 500.00
			\$ -
Sub-total			<u>\$ 1,000.00</u>
<i>Donations in kind:</i>			
Downtown Catering	Beverages and food		\$ 1,500.00
			\$ -
Sub-total			<u>\$ 1,500.00</u>
Total Direct Costs			<u>\$ 2,500.00</u>
PROFIT BEFORE SHARING			\$ 10,000.00
Transfer share to RDA	RDA Percentage	<u>75%</u>	\$ (7,500.00)
Net profit retained by Party			<u>\$ 2,500.00</u>
<hr/>			
PARTY CHEQUE PAYABLE TO RDA			
Share of profit - RDA		(Transfer to RDA)	\$ 7,500.00
Total cheque to RDA			<u>\$ 7,500.00</u>
<hr/>			
CASH FLOW OF PARTY			
Ticket sales - contributions			\$ 10,800.00
Ticket sales - non-contributions			\$ 200.00
Payment to suppliers for direct costs			\$ (1,000.00)
Transfer cheque to RDA			\$ (7,500.00)
Net profit from fundraiser			<u>\$ 2,500.00</u>
<hr/>			
CASH FLOW OF RDA			
Transfer cheque from Party			\$ 7,500.00
Net profit from fundraiser			<u>\$ 7,500.00</u>

Appendix G1: Sample Fundraising Activity (Party pays direct costs)

ACCOUNTING TREATMENT - PARTY PAYS DIRECT COSTS					
Sample Chart of Accounts	Description	Projects (Sage)/Tags (Quickbooks):			
1000	Bank	00A	Annual Leader's Dinner		
4701	Fundraiser - Contributions - Ticket Sales	00B	Annual Party Golf Tournament		
4702	Fundraiser - Contributions-in-Kind	01A	RDA #1 Annual BBQ		
4703	Fundraiser - Direct Costs	01B	RDA #1 Annual Golf Tournament		
4704	Fundraiser - Non-contribution - Fee \$10 or less	[...]			
4705	Fundraiser - Profit before sharing (Sage sub-total)	49A	RDA #49 Annual BBQ		
5401	Transfers to RDA #01	49B	RDA #49 Annual Golf Tournament		
RPP Accounting					
Transaction	Account Desc	Account #	Dr	Cr	Project/Tag
Ticket Sales > \$10 each	Bank	1000	\$ 10,800.00		
	Fundraiser - Contributions - Ticket Sales	4701		\$ 10,800.00	01A
Ticket Sales \$10 or less each	Bank	1000	\$ 200.00		
	Fundraiser - Non-contribution - Fee \$10 or less	4704		\$ 200.00	01A
Pay Suppliers	Fundraiser - Direct Costs	4703	\$ 1,000.00		01A
	Bank	1000		\$ 1,000.00	
Donated items	Fundraiser - Direct Costs	4703	\$ 1,500.00		01A
	Fundraiser - Contributions-in-Kind	4702		\$ 1,500.00	01A
Transfer of share of profit	Transfers to RDA #01	5401	\$ 7,500.00		01A
	Bank	1000		\$ 7,500.00	
RDA Accounting:					
Receive transfer cheque	Bank		\$ 7,500.00		
	Transfer from Party			\$ 7,500.00	
RPP Bank Account Recap:					
			Deposits	Cheques	
Ticket Sales > \$10 each			\$ 10,800.00		
Ticket Sales \$10 or less each			\$ 200.00		
Pay suppliers for direct costs				\$ 1,000.00	
Pay share of contributions				\$ 7,500.00	
Sub-totals			\$ 11,000.00	\$ 8,500.00	
Net			\$ 2,500.00		
RDA Bank Account Recap:					
			Deposits	Cheques	
Receive transfer cheque			\$ 7,500.00		
Sub-totals			\$ 7,500.00	\$ -	
Net			\$ 7,500.00		


Appendix G2: Sample Fundraising Activity (RDA pays direct costs)

FUNDRAISING ACTIVITY		 P 04 953	
Assumptions: Centralized deposit of tickets; Association (RDA) pays direct costs		(2018-02-13)	
Association	_____		
Title of Activity	_____		
Nature of Activity	_____		
Date Held	_____		
Location	_____		
<hr/>			
	Quantity	Ticket Price	Amount
REVENUE			
<i>Monetary Contributions: Ticket price > \$10</i>			
Tickets - Price A	98	@ \$ 100.00	\$ 9,800.00
Tickets - Price B	20	@ \$ 50.00	\$ 1,000.00
Sub-total	<u>118</u>		<u>\$ 10,800.00</u>
<i>Property and Services Contributions</i>			
Donations in kind			\$ 1,500.00
Total Contribution Revenue to be received			<u>\$ 12,300.00</u>
<i>Non-contributions: Ticket price \$10 or less</i>			
Tickets - Price C	15	@ \$ 10.00	\$ 150.00
Tickets - Price D	10	@ \$ 5.00	\$ 50.00
Entrance fee, not receipted	<u>25</u>		<u>\$ 200.00</u>
Total Revenue			<u>\$ 12,500.00</u>
DIRECT COSTS			
Supplier	Description		
<i>Incurred by organizer:</i>			
Staples	Tickets and advertisers		\$ 500.00
Community Services Club	Venue		\$ 500.00
			\$ -
Sub-total			<u>\$ 1,000.00</u>
<i>Donations in kind:</i>			
Downtown Catering	Beverages and food		\$ 1,500.00
			\$ -
Sub-total			<u>\$ 1,500.00</u>
Total Direct Costs			<u>\$ 2,500.00</u>
PROFIT BEFORE SHARING			\$ 10,000.00
Transfer share to RDA	RDA Percentage	<u>75%</u>	\$ (7,500.00)
Net profit retained by Party			<u>\$ 2,500.00</u>
<hr/>			
PARTY CHEQUES PAYABLE TO RDA			
Reimbursement of Direct Costs paid by RDA		(Direct costs)	\$ 1,000.00
Share of profit - RDA		(Transfer to RDA)	\$ 7,500.00
Total cheques to RDA			<u>\$ 8,500.00</u>
<hr/>			
CASH FLOW OF PARTY			
Ticket sales - contributions			\$ 10,800.00
Ticket sales - non-contributions			\$ 200.00
Reimbursement of Direct Costs paid by RDA			\$ (1,000.00)
Transfer of share of profit			\$ (7,500.00)
Net profit from fundraiser			<u>\$ 2,500.00</u>
<hr/>			
CASH FLOW OF RDA			
Direct Costs paid by RDA			\$ (1,000.00)
Reimbursement of Direct Costs paid by RDA			\$ 1,000.00
Transfer of share of profit			\$ 7,500.00
Net profit from fundraiser			<u>\$ 7,500.00</u>

Appendix G2: Sample Fundraising Activity (RDA pays direct costs)

ACCOUNTING TREATMENT - RDA PAYS DIRECT COSTS					
Sample Chart of Accounts	Description	Projects (Sage)/Tags (Quickbooks):			
1000	Bank	00A	Annual Leader's Dinner		
4701	Fundraiser - Contributions - Ticket Sales	00B	Annual Party Golf Tournament		
4702	Fundraiser - Contributions-in-Kind	01A	RDA #1 Annual BBQ		
4703	Fundraiser - Direct Costs	01B	RDA #1 Annual Golf Tournament		
4704	Fundraiser - Non-contribution - Fee \$10 or less		[...]		
4705	Fundraiser - Profit before sharing (Sage sub-total)	49A	RDA #49 Annual BBQ		
5401	Transfers to RDA #01	49B	RDA #49 Annual Golf Tournament		
RPP Accounting					
Transaction	Account Desc	Account #	Dr	Cr	Project/Tag
Ticket Sales > \$10 each	Bank	1000	\$ 10,800.00		
	Fundraiser - Contributions - Ticket Sales	4701		\$ 10,800.00	01A
Ticket Sales \$10 or less each	Bank	1000	\$ 200.00		
	Fundraiser - Non-contribution - Fee \$10 or less	4704		\$ 200.00	01A
Reimburse RDA for costs paid	Fundraiser - Direct Costs	4703	\$ 1,000.00		01A
	Bank	1000		\$ 1,000.00	
Donated items	Fundraiser - Direct Costs	4703	\$ 1,500.00		01A
	Fundraiser - Contributions-in-Kind	4702		\$ 1,500.00	01A
Transfer of share of profit	Transfers to RDA #01	5401	\$ 7,500.00		01A
	Bank	1000		\$ 7,500.00	
RDA Accounting:					
Pay direct costs	Fundraiser A		\$ 1,000.00		
	Bank			\$ 1,000.00	
Receive reimbursement cheque	Bank		\$ 1,000.00		
	Fundraiser A			\$ 1,000.00	
Receive transfer cheque	Bank		\$ 7,500.00		
	Transfer from Party			\$ 7,500.00	
RPP Bank Account Recap:					
			Deposits	Cheques	
Ticket Sales > \$10 each			\$ 10,800.00		
Ticket Sales \$10 or less each			\$ 200.00		
Reimburse RDA for costs paid				\$ 1,000.00	
Transfer of share of profit				\$ 7,500.00	
Sub-totals			\$ 11,000.00	\$ 8,500.00	
Net			\$ 2,500.00		
RDA Bank Account Recap:					
			Deposits	Cheques	
Pay direct costs				\$ 1,000.00	
Receive reimbursement cheque			\$ 1,000.00		
Receive transfer cheque			\$ 7,500.00		
Sub-totals			\$ 8,500.00	\$ 1,000.00	
Net			\$ 7,500.00		


Appendix G3: Sample Fundraising Activity (PCNB)

FUNDRAISING ACTIVITY - Progressive Conservative Party of New Brunswick				P 04 953	
Assumptions: Centralized deposit of tickets; Association (RDA) pays direct costs				(2018-02-13)	
Association	_____				
Title of Activity	_____				
Nature of Activity	_____				
Date Held	_____				
Location	_____				
	Quantity		Ticket Price	Amount	
REVENUE					
<i>Monetary Contributions: Ticket price > \$10</i>					
Tickets - Price A	0	@	\$ 100.00	\$	-
Tickets - Price B	200	@	\$ 50.00	\$	10,000.00
Sub-total	200			\$	10,000.00
<i>Property and Services Contributions</i>					
Donations in kind				\$	-
Total Contribution Revenue to be receipted				\$	10,000.00
<i>Non-contributions: Ticket price \$10 or less</i>					
Tickets - Price C	0	@	\$ 10.00	\$	-
Tickets - Price D	0	@	\$ 5.00	\$	-
Entrance fee, not receipted	0			\$	-
Total Revenue				\$	10,000.00
DIRECT COSTS					
Supplier	Description				
<i>Incurred by organizer:</i>					
Staples	Tickets and advertisers			\$	500.00
Community Services Club	Venue and food services			\$	1,500.00
				\$	-
Sub-total				\$	2,000.00
<i>Donations in kind:</i>					
				\$	-
				\$	-
Sub-total				\$	-
Total Direct Costs				\$	2,000.00
PROFIT BEFORE SHARING				\$	8,000.00
Transfer share to RDA	RDA Percentage	75%		\$	(6,000.00)
Net profit retained by Party				\$	2,000.00
PARTY CHEQUES PAYABLE TO RDA					
Share of revenues - RDA		(Transfer to RDA)		\$	7,500.00
Reimbursement of Direct Costs paid by RDA		(Direct costs)		\$	2,000.00
Recovery of over-transfers based on revenue rather than profit		(Transfer to RDA)		\$	(1,500.00)
Net adjustment cheque to RDA				\$	500.00
Total cheques to RDA				\$	8,000.00
CASH FLOW OF PARTY					
Ticket sales - contributions				\$	10,000.00
Ticket sales - non-contributions				\$	-
Transfers of share of revenues				\$	(7,500.00)
Net adjustment cheque to RDA				\$	(500.00)
Net profit from fundraiser				\$	2,000.00
CASH FLOW OF RDA					
Direct Costs paid by RDA				\$	(2,000.00)
Transfers of share of revenues				\$	7,500.00
Net adjustment cheque to RDA				\$	500.00
Net profit from fundraiser				\$	6,000.00

Appendix G3: Sample Fundraising Activity (PCNB)

ACCOUNTING TREATMENT - RDA PAYS DIRECT COSTS					
Sample Chart of Accounts	Description	Projects (Sage)/Tags (Quickbooks):			
1000	Bank	00A	Annual Leader's Dinner		
4701	Fundraiser - Contributions - Ticket Sales	00B	Annual Party Golf Tournament		
4702	Fundraiser - Contributions-in-Kind	01A	RDA #1 Annual BBQ		
4703	Fundraiser - Direct Costs	01B	RDA #1 Annual Golf Tournament		
4704	Fundraiser - Non-contribution - Fee \$10 or less		[...]		
4705	Fundraiser - Profit before sharing (Sage sub-total	49A	RDA #49 Annual BBQ		
5401	Transfers to RDA #01	49B	RDA #49 Annual Golf Tournament		
RPP Accounting					
Transaction	Account Desc	Account #	Dr	Cr	Project/Tag
Ticket Sales > \$10 each	Bank	1000	\$ 10,000.00		
	Fundraiser - Contributions - Ticket Sales	4701		\$ 10,000.00	01A
Ticket Sales \$10 or less each	Bank	1000	\$ -		
	Fundraiser - Non-contribution - Fee \$10 or less	4704		\$ -	01A
Transfers of share of revenues	Transfers to RDA #01	5401	\$ 7,500.00		01A
	Bank	1000		\$ 7,500.00	
Net adjustment cheque to RDA	Fundraiser - Direct Costs	4703	\$ 2,000.00		01A
	Recovery of over-transfers based on revenue	5401		\$ 1,500.00	
	Bank	1000		\$ 500.00	
Donated items	Fundraiser - Direct Costs	4703	\$ -		01A
	Fundraiser - Contributions-in-Kind	4702		\$ -	01A
RDA Accounting:					
Pay direct costs	Fundraiser A		\$ 2,000.00		
	Bank			\$ 2,000.00	
Receive transfer cheque(s)	Bank		\$ 7,500.00		
	Transfer from Party			\$ 7,500.00	
Net adjustment cheque to RDA	Bank		\$ 500.00		
	Transfer from Party		\$ 1,500.00		
	Fundraiser A			\$ 2,000.00	
RPP Bank Account Recap:			Deposits	Cheques	
Ticket Sales > \$10 each			\$ 10,000.00		
Ticket Sales \$10 or less each			\$ -		
Transfers of share of revenues				\$ 7,500.00	
Net adjustment cheque to RDA				\$ 500.00	
Sub-totals			\$ 10,000.00	\$ 8,000.00	
Net			\$ 2,000.00		
RDA Bank Account Recap:			Deposits	Cheques	
Pay direct costs				\$ 2,000.00	
Receive transfer cheque(s)			\$ 7,500.00		
Net adjustment cheque to RDA			\$ 500.00		
Sub-totals			\$ 8,000.00	\$ 2,000.00	
Net			\$ 6,000.00		

Appendix H: Sample Auction Activity

Auction Item Detail		 P 04 955 (2018-02-13)						
Association	_____							
Event	_____							
Date Held	_____							
<hr/>								
Donated Item	_____							
Retail Value	_____							
<small>(Copy of invoice should be attached or donor should sign below to confirm the retail value of item)</small>								
Donated by <small>(Name to be receipted)</small>	_____							
Mailing Address	_____							

Telephone #	_____							
Email Address	_____							
<hr/>								
Bid Amount	_____							
Successful Bidder <small>(Name to be receipted, if applicable)</small>	_____							
Mailing Address	_____							

Telephone #	_____							
Email Address	_____							
Payment Method	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border: none;">Chq</td> <td style="text-align: center; border: none;">Cash</td> <td style="text-align: center; border: none;">CC</td> </tr> <tr> <td style="border: 1px solid black; width: 33%; height: 20px;"></td> <td style="border: 1px solid black; width: 33%; height: 20px;"></td> <td style="border: 1px solid black; width: 33%; height: 20px;"></td> </tr> </table>		Chq	Cash	CC			
Chq	Cash	CC						
<hr/>								
Signature of donor of auction item, if applicable								

Signature of event organizer								

Signature of official representative								

Appendix H: Sample Auction Activity

Auction Summary Report							
District Association _____			Location _____				
Event _____			Date Held _____				
Item #	Auction Items		Retail Value			Successful Bids	
	Name of Donor	Description	Donated	Purchased	Total	Name of Bidder	Bid
1		Book	\$ 20.00		\$ 20.00		\$ 25.00
2		Coffee maker	\$ 40.00		\$ 40.00		\$ 30.00
3		Accounting services	\$ 100.00		\$ 100.00		\$ 120.00
4		Picture	\$ -	\$ 60.00	\$ 60.00		\$ 30.00
5		Cottage rental	\$ 500.00		\$ 500.00		\$ 600.00
6		Dinner set	\$ 200.00		\$ 200.00		\$ 80.00
7					\$ -		
8					\$ -		
9					\$ -		
10					\$ -		
11					\$ -		
12					\$ -		
13					\$ -		
14					\$ -		
15					\$ -		
			<u>\$ 860.00</u> ⁽¹⁾	<u>\$ 60.00</u> ⁽²⁾			<u>\$ 885.00</u> ⁽³⁾
						Less: Purchased items	<u>\$ (60.00)</u>
						Profit	<u>\$ 825.00</u>

For Party accounting purposes:
 (1) Non-monetary contributions of property and services
 (2) Items purchased by Association or Party
 (3) Proceeds from auction - Contributions

SHARING OF PROFIT			
RDA # 01	Share	75%	\$ 618.75
Political Party			\$ 206.25
			<u>\$ 825.00</u>


Appendix H: Sample Auction Activity

AUCTION - ACCOUNTING TREATMENT					
Party processes deposits - RDA purchases items					
Sample Chart of Accounts	Description	Projects (Sage)/Tags (Quicken):			
1000	Bank	00C	RPP Auction (1)		
2401	RDA #01 Funds on Deposit	00D	RPP Auction (2)		
4801	Auction - Proceeds - Monetary Contributions	01C	RDA #1 Auction (1)		
4802	Auction - Donated Items - P&S Contributions	01D	RDA #1 Auction (2)		
4803	Auction - Value of Donated Items (contra)		[...]		
4804	Auction - Value of Purchased Items (contra)	49C	RDA #49 Auction (1)		
4805	<i>Auction - Profit (Sage sub-total account)</i>	49D	RDA #49 Auction (2)		
5401	Transfers to RDA #01				
RDA Accounting:					
Transaction	Account Description	Account #	Dr	Cr	Project/Tag
Purchase of auction items	Auctions		\$ 60.00		
	Bank			\$ 60.00	
RPP Accounting:					
Transaction	Account Description	Account #	Dr	Cr	Project/Tag
Reimbursement to RDA	Auction - Value of Purchased Items (contra)	4804	\$ 60.00		01C
	Bank	1000		\$ 60.00	
Auction proceeds	Bank	1000	\$ 885.00		
	Auction - Proceeds - Monetary Contributions	4801		\$ 885.00	01C
Donated items	Auction - Value of Donated Items (contra)	4803	\$ 860.00		01C
	Auction - Donated Items - P&S Contributions	4802		\$ 860.00	
Pay share of contributions	Transfer to RDA	5401	\$ 618.75		01C
	Bank	1000		\$ 618.75	
RDA Accounting:					
Transaction	Account Description	Account #	Dr	Cr	Project/Tag
Receive reimbursement cheque	Bank		\$ 60.00		
	Auctions			\$ 60.00	
Receive transfer cheque	Bank		\$ 618.75		
	Transfer from RPP			\$ 618.75	
RPP Bank Account Recap:					
			Deposits	Cheques	
Reimbursement to RDA	(or purchase of auction item)			\$ 60.00	
Auction proceeds			\$ 885.00		
Pay share of contributions				\$ 618.75	
Sub-totals			\$ 885.00	\$ 678.75	
Net			\$ 206.25		
RDA Bank Account Recap:					
			Deposits	Cheques	
Purchase of auction items				\$ 60.00	
Receive reimbursement cheque			\$ 60.00		
Receive transfer cheque			\$ 618.75		
Sub-totals			\$ 678.75	\$ 60.00	
Net			\$ 618.75		

Appendix H: Sample Auction Activity

AUCTION - ACCOUNTING TREATMENT					
Party Processes Transactions - Fully Centralized System					
Sample Chart of Accounts	Description	Projects (Sage)/Tags (Quicken):			
1000	Bank	00C	RPP Auction (1)		
2401	RDA #01 Funds on Deposit	00D	RPP Auction (2)		
4801	Auction - Proceeds - Monetary Contributions	01C	RDA #1 Auction (1)		
4802	Auction - Donated Items - P&S Contributions	01D	RDA #1 Auction (2)		
4803	Auction - Value of Donated Items (contra)		[...]		
4804	Auction - Value of Purchased Items (contra)	49C	RDA #49 Auction (1)		
4805	<i>Auction - Profit (Sage sub-total account)</i>	49D	RDA #49 Auction (2)		
5401	Transfers to RDA #01				
RPP Accounting:					
Transaction	Account Description	Account #	Dr	Cr	Project/Tag
Purchase of auction items	Auction - Value of Purchased Items (contra)	4804	\$ 60.00		01C
	Bank	1000		\$ 60.00	
Auction proceeds	Bank	1000	\$ 885.00		
	Auction - Proceeds - Monetary Contributions	4801		\$ 885.00	01C
Donated items	Auction - Value of Donated Items (contra)	4803	\$ 860.00		01C
	Auction - Donated Items - P&S Contributions	4802		\$ 860.00	
Allocate share of contribution:	Transfer to RDA	5401	\$ 618.75		01C
	RDA #01 Funds on Deposit	2401		\$ 618.75	
RPP Bank Account Recap:					
			Deposits	Cheques	
Purchase of auction items				\$ 60.00	
Auction proceeds			\$ 885.00		
Allocate share of contributions				\$ 618.75	
Sub-totals			\$ 885.00	\$ 678.75	
Net			\$ 206.25		

Appendix I: Application for Registration as a Leadership Contestant or Nomination Contestant


Application for Registration as a Leadership Contestant or Nomination Contestant <i>(Elections Act, R.S.N.B. 1973, c.E-3, s.136.1, s.136.2, ss.137(5.1))</i>			P 04 843 (2017-11-07)
Notes <ul style="list-style-type: none"> Please print or type all information (except signatures). Information marked with an asterisk (*) is not mandatory under the <i>Elections Act</i>; however, it greatly assists in the administration of this application. 			
Part A : Identification of Contestant			
Type of contestant <input type="checkbox"/> Leadership Contestant <input type="checkbox"/> Nomination Contestant in electoral district _____ <div style="text-align: right;"><i>Name of Electoral District</i></div>			
Registered political party of contestant			
Name of contestant <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.			
	<i>First Name</i>	<i>Middle Name(s) or Initial(s)</i>	<i>Last Name</i>
Civic address		Mailing address (if different)	
<i>Number</i>	<i>Street</i>	<i>Unit</i>	<i>Location</i>
<i>Community</i>	<i>Province</i>	<i>Postal Code</i>	<i>Community</i> <i>Province</i> <i>Postal Code</i>
Email address (preferred method of communication)*		Telephone numbers*	
		<i>Daytime</i>	<i>Evening</i>
Part B : Identification of Official Representative			
<input type="checkbox"/> The contestant is acting as his or her own official representative. <i>(Do not complete the remainder of Part B.)</i>			
Name of official representative <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.			
	<i>First Name</i>	<i>Middle Name(s) or Initial(s)</i>	<i>Last Name</i>
Civic address		Mailing address (if different)	
<i>Number</i>	<i>Street</i>	<i>Unit</i>	<i>Location</i>
<i>Community</i>	<i>Province</i>	<i>Postal Code</i>	<i>Community</i> <i>Province</i> <i>Postal Code</i>
Email address (preferred method of communication)*		Telephone numbers*	
		<i>Daytime</i>	<i>Evening</i>

Part C : Location of books, records, and accounts													
Address where the books, records, and accounts pertaining to contributions to and expenditures by the contestant are or will be maintained.													
<input type="checkbox"/> Civic address of the contestant <input type="checkbox"/> Civic address of the official representative <input type="checkbox"/> Other (complete the address below)													
Civic address <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"><i>Number</i></td> <td style="width: 33%; text-align: center;"><i>Street</i></td> <td style="width: 33%; text-align: center;"><i>Unit</i></td> </tr> <tr> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black;"></td> </tr> <tr> <td style="text-align: center;"><i>Community</i></td> <td style="text-align: center;"><i>Province</i></td> <td style="text-align: center;"><i>Postal Code</i></td> </tr> <tr> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black;"></td> </tr> </table>	<i>Number</i>	<i>Street</i>	<i>Unit</i>				<i>Community</i>	<i>Province</i>	<i>Postal Code</i>				
<i>Number</i>	<i>Street</i>	<i>Unit</i>											
<i>Community</i>	<i>Province</i>	<i>Postal Code</i>											
Part D : Signature of Contestant													
I hereby file with the Chief Electoral Officer this application for registration as a leadership contestant or a nomination contestant.													
<table style="width: 100%; border: none;"> <tr> <td style="border-top: 1px solid black; width: 80%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td style="text-align: center;"><i>Signature</i></td> <td style="text-align: center;"><i>Date</i></td> </tr> </table>				<i>Signature</i>	<i>Date</i>								
<i>Signature</i>	<i>Date</i>												
Part E : Acceptance by Registered Political Party													
<input type="checkbox"/> I certify that the individual named in Part A has been accepted as a Leadership Contestant for the <table style="width: 100%; border: none;"> <tr> <td style="border-top: 1px solid black; width: 80%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td style="text-align: center;"><i>(Name of Registered Political Party)</i></td> <td></td> </tr> </table>				<i>(Name of Registered Political Party)</i>									
<i>(Name of Registered Political Party)</i>													
OR													
<input type="checkbox"/> I certify that the individual named in Part A has been accepted as a Nomination Contestant for the <table style="width: 100%; border: none;"> <tr> <td style="border-top: 1px solid black; width: 80%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td style="text-align: center;"><i>(Name of Registered Political Party)</i></td> <td></td> </tr> </table>				<i>(Name of Registered Political Party)</i>									
<i>(Name of Registered Political Party)</i>													
in the electoral district of <table style="width: 100%; border: none;"> <tr> <td style="border-top: 1px solid black; width: 80%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td style="text-align: center;"><i>(Name of Electoral District)</i></td> <td></td> </tr> </table>				<i>(Name of Electoral District)</i>									
<i>(Name of Electoral District)</i>													
<table style="width: 100%; border: none;"> <tr> <td style="border-top: 1px solid black; width: 70%;"></td> <td style="width: 30%;"></td> </tr> <tr> <td style="text-align: center;"><i>Name of Authorized Officer of Registered Political Party</i></td> <td style="text-align: center;"><i>Position</i></td> </tr> </table>				<i>Name of Authorized Officer of Registered Political Party</i>	<i>Position</i>								
<i>Name of Authorized Officer of Registered Political Party</i>	<i>Position</i>												

Appendix I: Application for Registration as a Leadership Contestant or Nomination Contestant

<i>Signature</i>	<i>Date</i>
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Appendix J: Certificate of Leadership Convention

Certificate of Leadership Convention (Elections Act, R.S.N.B. 1973, c.E-3, ss.136.1(3))		P 04 845 (2018-02-12)
Notes <ul style="list-style-type: none"> Please print or type all information (except signatures). Following the holding of a leadership convention, a registered political party shall file with the Chief Electoral Officer a certificate of leadership convention signed by an authorized officer of the registered political party detailing the leadership convention, including the contestants who stood for election, the individual elected and the individuals who withdrew as contestants. 		
Leadership Convention Information		
Registered political party _____		
Leadership Convention Date of Convention: _____ Location of Convention: _____		
The contestants who stood for election were:		
1.	5.	
2.	6.	
3.	7.	
4.	8.	
The individuals who withdrew as contestants were:		
1.	3.	
2.	4.	
I certify that the following individual was elected as Leader of the above-named registered political party: <div style="text-align: center; margin-left: 100px;"> _____ <i>Name of Leader</i> </div>		
_____ <i>of Registered Political Party</i> Name of Authorized Officer of Registered Political Party	_____ Name of Authorized Officer Position Position	
_____ Signature	_____ Date	

Appendix J: Certificate of Leadership Convention

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Appendix K: Certificate of Nomination Convention

Certificate of Nomination Convention <i>(Elections Act, R.S.N.B. 1973, c.E-3, ss.136.2(3))</i>			P 04 847 (2018-02-12)
Notes <ul style="list-style-type: none"> Please print or type all information (except signatures). Following the holding of a nomination convention, a registered political party shall file with the Chief Electoral Officer a certificate of nomination convention signed by an authorized officer of the registered political party detailing the nomination convention, including the contestants who stood for nomination, the individual elected and the individuals who withdrew as contestants. 			
Nomination Convention Information			
Registered political party			
Electoral District <i>(Name)</i>			
Nomination Convention Date of Convention: _____ Location of Convention: _____			
The contestants who stood for nomination were:			
1.	5.		
2.	6.		
3.	7.		
4.	8.		
The individuals who withdrew as contestants were:			
1.	3.		
2.	4.		
I certify that the following individual was elected:			
_____ <i>Name</i>			
_____ <i>Name of Registered Political Party</i> _____ <i>Name of Authorized Officer of Registered Political Party</i>		_____ <i>Name of Authorized Officer</i> _____ <i>Position</i> _____ <i>Position</i>	

Appendix K: Certificate of Nomination Convention

<i>Signature</i>	<i>Date</i>
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Appendix M: Appointment of Electoral District Agent

Appointment of Electoral District Agent <i>(Elections Act, R.S.N.B. 1973, c.E-3, ss.138(7))</i>		P 04 831 (2013-01-31)
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Date:

To: Chief Electoral Officer
Elections New Brunswick
P.O. Box 6000
Fredericton, NB E3B 5H1

From:
(Name of Political Party)

Subject: **Appointment of Electoral District Agent**

Pursuant to subsection 138(7) of the *Elections Act*, I hereby appoint

(Name, Address, Telephone and Fax Numbers, and E-mail Address of Appointed Registered Electoral District Agent)

Electoral District Agent for the following Electoral District:

(Name and Number of Registered Electoral District)

Preferred language of correspondence: <input type="checkbox"/> English	Langue de correspondance préférée : <input type="checkbox"/> Français
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(Signature of Chief Agent of Party)

Pursuant to subsection 138(7) of the *Elections Act*, the Chief Agent of the above-named registered political party has been authorized by the party leader to make the above appointment.

Pursuant to section 69 of the *Political Process Financing Act*, the Registered Electoral District Agent shall be the Official Agent of the Official Candidate of the Party in this electoral district unless replaced by the candidate during the election period.

Appendix N: Application for Registration as an Independent Candidate

Application for Registration as an Independent Candidate

(Elections Act, R.S.N.B. 1973, c.E-3, s. 136)



P 04 841.1
(2017-10-17)

Date:

To: Chief Electoral Officer of New Brunswick
102-551 King Street
P.O. Box 6000
Fredericton, NB E3B 5H1

I, , hereby apply to be registered
(Name of Candidate)

independent candidate in the electoral district of
(Name of Electoral District)

for the pending , in accordance with section 136 of the *Elections Act*
(Date)

My full name and civic address are:

Name:

Address:

.....

.....

Phone number(s): Fax:

E-mail:

The address to which communications intended for me may be addressed and where my books, records and accounts pertaining to contributions to and election expenditures by me are or will be maintained is (if different from my civic address):

.....

.....

.....

Yours truly,

.....

(Signature of Candidate)

**Notice of Official Representative
for a Registered Independent Candidate**
(Elections Act, R.S.N.B. 1973, c.E-3, ss.137(4))



P 04 841.2
(2017-10-17)

Note: Under subsection 137(8) of the Elections Act, to be an official representative a person must be at least 19 years of age, a Canadian citizen, a resident of the Province, and must not be disqualified from voting under the Elections Act, and must not be a candidate or an election officer. An official representative and official agent may be the same person.

Date:

To: Chief Electoral Officer of New Brunswick
102-551 King Street
P.O. Box 6000
Fredericton, NB E3B 5H1

I, , am registered as an independent
(Name of Candidate)

candidate in the electoral district of
(Name of Electoral District)

for the pending election on
(Date)

The name of my Official Representative, under section 137 of the *Elections Act*, and address for communication are:

Name:

Address:

Phone - day: Phone - evening:

E-mail:

Preferred language of correspondence: English French

Yours truly,

.....
(Signature of Candidate)

**Notice of Official Agent
for an Independent Candidate**

(Elections Act, R.S.N.B. 1973, c.E-3, ss.138(4) and 138(9))
(Political Process Financing Act, S.N.B. 1978, c.P-9.3, s.69)



P 04 841.3
(2017-10-17)

Note: Under subsections 137(8) and 138(9) of the Elections Act, to be an official agent a person must be at least 19 years of age, a Canadian citizen, a resident of the Province, and must not be disqualified from voting under the Elections Act, and must not be a candidate or an election officer. An official agent and official representative may be the same person.

Date:

To: Chief Electoral Officer of New Brunswick
102-551 King Street
P.O. Box 6000
Fredericton, NB E3B 5H1

I,, am registered as an independent
(Name of Candidate)

candidate in the electoral district of
(Name of Electoral District)

for the pending election on
(Date)

The name and address for communication of my Official Agent, under section 138 of the *Elections Act* and under section 69 of the *Political Process Financing Act* are:

Name:

Address:

Phone - day: Phone -

E-mail:

Preferred language of correspondence: English French

Yours truly,

.....
(Signature of Candidate)

Appendix O: All offence provisions of the *Political Process Financing Act*

Reference	Provision	Category of Offence
18(4)	<i>Any person who obstructs the work of a person exercising the powers invested in the person by an order issued pursuant to this section commits an offence.</i>	H
38(3)(a)	<i>No individual shall solicit or accept services, money or other property from any source (a) as consideration or reward for having made a contribution or provided financing,</i>	F
38(3)(b)	<i>No individual shall solicit or accept services, money or other property from any source (b) on the condition, agreement or understanding, express or implied, that he or it will, as a result, make a contribution or provide financing.</i>	F
38(4)(a)	<i>No chartered bank, trust company, credit union or other commercial lending institution shall solicit or accept services, money or other property from any source (a) as consideration or reward for having provided financing,</i>	F
38(4)(b)	<i>No chartered bank, trust company, credit union or other commercial lending institution shall solicit or accept services, money or other property from any source (b) on the condition, agreement or understanding, express or implied, that the chartered bank, trust company, credit union or commercial lending institution will, as a result, provide financing.</i>	F
39(1)	<i>39(1) An individual may, during a calendar year, make a contribution or provide financing under subsection (2) that, taken together, is not in excess of (a) on or before December 31, 2017, \$6,000; and (b) on or after January 1, 2018, \$3,000.</i>	
39(2)	<i>39(2) An individual may make a contribution or provide financing to (a) each registered political party or to a registered district association of that registered political party in accordance with subsection (3), and (b) one registered independent candidate.</i>	
39(3)	<i>39(3) For the purposes of this section, a contribution may be made or financing may be provided under paragraph (2)(a) either to a registered political party or to a registered district association of that registered political party, (a) so that a portion is given to a registered political party and a portion is given to one or more registered district associations of that registered political party, or (b) so that portions are given to more than one registered district association of a registered political party.</i>	
39(4)	<i>39(4) No individual shall make a contribution or provide financing in violation of subsection (1) or (2).</i>	E
39.1(1)	<i>39.1(1) Subject to subsection (2), an individual may make a contribution or provide financing to a leadership contestant or a nomination contestant until the date on which the official representative files his or her final financial return under section 62.1.</i>	
39.1(2)	<i>39.1(2) No individual shall make a contribution or provide financing under subsection (1) that, taken together, is in excess of (a) on or before December 31, 2017, \$6,000; and (b) on or after January 1, 2018, \$3,000.</i>	E
39.1(3)	<i>39.1(3) Despite subsection (2), on the expiry of the period referred to in subsection (1), no registered leadership contestant or registered nomination contestant shall,</i>	E

Appendix O: All offence provisions of the Political Process Financing Act

Reference	Provision	Category of Offence
	<p><i>without reasonable excuse, have outstanding liabilities incurred for the purposes of the leadership contest or nomination contest if the sum of the liabilities and any contributions the contestant has made to himself or herself exceeds</i></p> <p style="padding-left: 40px;"><i>(a) on or before December 31, 2017, \$6,000; and</i></p> <p style="padding-left: 40px;"><i>(b) on or after January 1, 2018, \$3,000.</i></p> <p><i>39.1(4) If the full amount of financing is secured by sureties or guarantors, a chartered bank, trust company, credit union or other commercial lending institution may provide financing to a leadership contestant or a nomination contestant in excess of the following amounts:</i></p> <p style="padding-left: 40px;"><i>(a) on or before December 31, 2017, \$6,000; and</i></p> <p style="padding-left: 40px;"><i>(b) on or after January 1, 2018, \$3,000.</i></p> <p><i>39.1(5) Sureties and guarantors referred to in subsection (4) that are individuals shall comply with subsection (2).</i></p>	
39.3	<i>No registered political party, registered district association, registered independent candidate, candidate, leadership contestant or nomination contestant, and no person on its or his or her behalf, shall knowingly accept any contribution made or financing provided in contravention of this Act.</i>	H
41(2)	<i>Every person authorized to solicit contributions by an official representative shall, on request, exhibit a certificate signed by the official representative evidencing his authority.</i>	C
46(1)	<i>Every contribution to a registered political party, registered district association or registered independent candidate shall be acknowledged by a receipt issued to the contributor and signed by the official representative of the party, association or independent candidate for whom the contribution was intended.</i>	C
46(4)	<i>Subject to subsection (5) and any guidelines issued by the Supervisor, an official representative shall retain signed duplicates of all receipts issued by him.</i>	C
46(5)	<p><i>When a person resigns or otherwise ceases to hold the position of official representative, he shall forthwith deliver all unissued receipt forms and duplicates of all issued receipts in his possession</i></p> <p style="padding-left: 40px;"><i>(a) to his replacement, if any, and notify the Supervisor of the number of unissued receipts so delivered, or</i></p> <p style="padding-left: 40px;"><i>(b) to the Supervisor, if there is no replacement.</i></p>	C
46.1(1)	<i>Every contribution to a leadership contestant or nomination contestant shall be acknowledged by a contestant receipt issued to the contributor and signed by the official representative of the contestant for whom the contribution was intended.</i>	C
46.1(4)	<i>Subject to subsection (5) and any guidelines issued by the Supervisor, an official representative shall retain signed duplicates of all contestant receipts issued by him or her.</i>	C
46.1(5)	<p><i>If a person resigns or otherwise ceases to hold the position of official representative, he or she shall immediately deliver all unissued contestant receipts and duplicates of all issued contestant receipts in his or her possession</i></p> <p style="padding-left: 40px;"><i>(a) to his or her replacement, if any, or</i></p> <p style="padding-left: 40px;"><i>(b) to the leadership contestant or nomination contestant, as the case may be.</i></p>	C
49(2)	<i>Every person authorized to make expenditures by an official representative shall, on demand, exhibit a certificate signed by the official representative evidencing his authority.</i>	C

Appendix O: All offence provisions of the Political Process Financing Act

Reference	Provision	Category of Offence
50(1)	<p><i>Expenditures other than election expenses incurred by registered political parties, registered district associations or registered independent candidates for advertising on broadcasting undertakings or in newspapers, periodicals or other printed matter shall be limited so as not to exceed:</i></p> <p><i>(a) in the case of a registered political party, \$200,000 in each calendar year;</i></p> <p><i>(a.1) in the case of a registered district association, \$3,000 in each calendar year;</i></p> <p><i>(a.2) in the case of a registered political party and its registered district associations, an aggregate amount of \$200,000; and</i></p> <p><i>(b) in the case of a registered independent candidate, \$3,000 in each calendar year.</i></p>	C
51	<p><i>The official representative of each registered political party shall, within sixty days of the party being registered under the Elections Act, appoint an accountant practising in the Province to serve as the auditor of that party.</i></p>	C
52	<p><i>The official representative shall give written notice to the Supervisor of the name and address of each auditor appointed under section 51 within thirty days of such appointment.</i></p>	C
53	<p><i>The Supervisor, members of the Legislative Assembly, persons ineligible to vote under the Elections Act, candidates, official representatives, chief agents and official agents shall not hold the position of auditor of a registered political party.</i></p>	F
58(1)	<p><i>The official representative of every registered political party shall, on a form provided by the Supervisor, submit a financial return to the Supervisor that is prepared in accordance with guidelines issued by the Supervisor, contains the information that the Supervisor considers necessary for the period covered by the return and is accompanied by the financial documents required by the Supervisor.</i></p>	C
62.1(1)	<p><i>The official representative of a registered leadership contestant or registered nomination contestant shall submit to the Supervisor a financial return within the period referred to below covering the period beginning when that contestant's first expenditure was made, first contribution was received or first financing was provided, whichever occurs first, and ending when the financial return is submitted:</i></p> <p><i>(a) with respect to the official representative of a leadership contestant, within 60 days after the leadership convention, and</i></p> <p><i>(b) with respect to the official representative of a nomination contestant, within 30 days after the nomination convention.</i></p>	C
62.1(2)	<p><i>A financial return submitted by the official representative of a registered leadership candidate or registered nomination contestant shall</i></p> <p><i>(a) if the total value of all contributions and financing is \$2,000 or less, be prepared in accordance with guidelines issued by the Supervisor, be in the form provided by the Supervisor and include a sworn declaration to that effect, and</i></p> <p><i>(b) if the total value of all contributions and financing is more than \$2,000, be prepared in accordance with guidelines issued by the Supervisor, be in the form provided by the Supervisor and set out, for the period covered by the return, the following:</i></p> <p><i>(i) the financial institutions where the contributions in money received by the leadership contestant or nomination contestant are deposited and the account numbers used;</i></p> <p><i>(ii) the total sum of amounts of not more than \$10 in each case paid to the leadership contestant or nomination contestant as an entrance fee to an</i></p>	C

Appendix O: All offence provisions of the Political Process Financing Act

Reference	Provision	Category of Offence
	<p><i>activity or demonstration of a political nature together with the nature, place and date of the activity or demonstration where the fees were paid;</i></p> <p><i>(iii) the details of contributions received from the contributors set out in the groups listed below, including the amount or value of each contribution and whether the contribution is one of money or otherwise, the name and full address of the contributor, the total amount of a contributor's contributions to the leadership contestant or nomination contestant, and the total amount of contributions received from each of those groups:</i></p> <p style="padding-left: 40px;"><i>(A) individuals who have each made contributions totalling \$100 or less;</i></p> <p style="padding-left: 40px;"><i>(B) individuals who have each made contributions totalling more than \$100;</i></p> <p><i>(iv) the name and full address of each individual, if any, that became surety or guarantor on behalf of the leadership contestant or nomination contestant and the amount for which the individual became surety or guarantor;</i></p> <p><i>(v) the details of financing provided to a leadership contestant or nomination contestant, including:</i></p> <p style="padding-left: 40px;"><i>(A) the name and address of the lender;</i></p> <p style="padding-left: 40px;"><i>(B) the amounts borrowed and repaid;</i></p> <p style="padding-left: 40px;"><i>(C) the rate of interest charged or paid;</i></p> <p style="padding-left: 40px;"><i>(C.1) the unpaid principal at the beginning and at the end of the period covered by the financial return; and</i></p> <p style="padding-left: 40px;"><i>(D) the terms of repayment;</i></p> <p><i>(vi) the total sum of the expenditures incurred;</i></p> <p><i>(vii) any other income earned by the leadership contestant or nomination contestant; and</i></p> <p><i>(viii) a sworn statement that the return is complete, true and accurate.</i></p>	
62.1(3)	<p><i>If any liabilities or any surplus are shown to be outstanding on a financial return submitted under subsection (1), the official representative of a registered leadership contestant or registered nomination contestant shall submit a supplementary financial return within six months after the submission of the initial financial return and every six months after that until the liabilities have been repaid or the surplus has been distributed, to a maximum of 18 months.</i></p>	C
68	<p><i>A registered political party intending to incur election expenses shall have a chief agent.</i></p>	C
69(1)	<p><i>Every candidate at an election shall have an official agent.</i></p>	C
69(3)	<p><i>Any candidate, including the official candidate of a registered political party, who does not have an official agent registered with the Chief Electoral Officer on the date his nomination paper is filed shall, within three days of that date, appoint an official agent by a writing signed by him and filed with the Chief Electoral Officer.</i></p>	C
69(4)	<p><i>Notwithstanding the Elections Act, if the chief agent of a registered political party or the official agent of a candidate dies, resigns or becomes unable to act during an election period the leader of the party or the candidate as the case may be, shall forthwith appoint a new chief agent or official agent by a writing signed by such leader or candidate, as the case may be, and filed with the Chief Electoral Officer.</i></p>	C
70(1)	<p><i>Except as provided by this Act during an election, no person other than the chief agent of a registered political party or the official agent of an official candidate of a registered political party or of a registered independent candidate shall authorize</i></p>	F

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Reference	Provision	Category of Offence
	<i>election expenses for such party or candidate, and no election expenses shall be incurred except by a chief or official agent or a person authorized by such agent.</i>	
70(2)	<i>No person during an election period shall accept or execute an order for election expenses in excess of one hundred dollars if such order is not given or authorized by a chief agent or official agent or in that agent's name by the designated publicity agency of the party or candidate.</i>	F
71(2)	<i>A candidate shall submit to his official agent not later than twenty days after polling day a detailed statement of all election expenses incurred by him pursuant to subsection (1).</i>	E
72(1)	<i>No person shall claim or receive for election expenses a price in excess of his regular price for similar work, merchandise or services outside the election period.</i>	F
81(1)	<i>Within 60 days following the date fixed by the Elections Act for the return of the writ, the official agent of each candidate in an election shall, on a form provided by the Supervisor, submit to the Supervisor a sworn statement of the election expenses of that candidate and all claims for election expenses of the candidate contested by the official agent together with any financial documents that may be required by the Supervisor.</i>	C
82(1)	<i>Within 120 days following the date fixed for the return of the writs, each chief agent of a registered political party shall, on a form provided by the Supervisor, submit to the Supervisor a sworn statement of the election expenses of the party and all claims for election expenses of the party contested by the chief agent together with any financial documents that may be required by the Supervisor.</i>	C
	<i>83(2) If on the application of a candidate or a leader of a registered political party it is established before a judge of The Court of King's Bench of New Brunswick that the unavoidable absence, death, illness or misconduct of an official agent or chief agent or any other reasonable cause prevents the preparation or submission of the statement or other documents prescribed by section 81 or 82, such judge may make any order he considers necessary and proper to enable the applicant to obtain all the information and financial documents necessary to prepare the statement and grant by order such further time for the submission of the statement as the circumstances, in his opinion, may require.</i>	
83(3)	<i>83(3) A person who fails to comply with an order made under subsection (2) commits an offence.</i>	H
84.2(1)	<i>A third party shall identify itself in any election advertising that it places and shall indicate that it has authorized the advertising.</i>	H
84.2(3)	<i>No third party shall transmit to the public any election advertising that may lead the public to believe that the advertising originates with a registered political party, a registered district association or a candidate.</i>	H
84.3(1)	<i>A third party shall register in accordance with this section immediately after incurring election advertising expenses that exceed \$500 in total.</i>	H
84.5(1)	<i>A third party shall only accept election advertising contributions from the following: (a) individuals who are ordinarily resident in the Province; (b) trade unions; and (c) corporations.</i>	H
84.5(2)	<i>No third party shall accept an election advertising contribution from or on behalf of a registered political party, a registered district association, a candidate or a member of the Legislative Assembly.</i>	H
84.5(3)	<i>No third party shall accept an election advertising contribution if the third party does not know the name and address of the contributor.</i>	H

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Reference	Provision	Category of Offence
84.8(1)	<i>No third party shall circumvent or attempt to circumvent a limit set out in section 84.15 or the registration requirement set out in subsection 84.3(1) in any manner, including either of the following manners: (a) by splitting itself into 2 or more third parties; or (b) by acting in collusion with another third party so that their combined election advertising expenses exceed a prescribed limit.</i>	H
84.8(2)	<i>No third party shall collude with a registered political party, a registered district association or a candidate to circumvent or attempt to circumvent the provisions of this Act.</i>	H
84.8(3)	<i>No registered political party, registered district association or candidate shall collude with a third party to circumvent or attempt to circumvent the provisions of this Act.</i>	H
85(1)(a)	<i>A person commits an offence who (a) knowingly incurs or authorizes election expenses exceeding the maximum fixed by section 77.</i>	H
85(1)(b)	<i>A person commits an offence who (b) wilfully submits a false statement of election expenses under section 81 or 82,</i>	H
85(1)(c)	<i>A person commits an offence who (c) knowingly incurs or authorizes election advertising expenses exceeding the maximum fixed by subsection 84.15(1), (2) or (4),</i>	H
85(1)(d)	<i>A person commits an offence who (d) wilfully makes a false statement in a report filed under section 84.6.</i>	H
85(2)	<i>A candidate, whose official agent with the knowledge of the candidate commits an offence under subsection (1), also commits such offence.</i>	H
85(4)	<i>A third party as defined in section 84.1, whose chief financial officer with the knowledge of the third party commits an offence under subsection (1), commits the same offence.</i>	H
85(5)	<i>If a third party as defined in section 84.1 is a group, a member of the group commits the same offence under subsection (1) as an offence committed by the third party's chief financial officer, if the chief financial officer commits the offence with the knowledge of the member.</i>	H
86	<i>Any person who knowingly makes a false statement in any financial return, statement or other document filed with the Supervisor pursuant to this Act commits an offence.</i>	H
86.1	<i>Every person who makes or issues or participates in, assents to or acquiesces in the making or issuance of a false or deceptive receipt for a contribution or purported contribution commits an offence.</i>	H
87	<i>Any person who knowingly withholds, conceals or destroys any books, papers, documents or other things relevant to the subject matter of an investigation or inquiry under this Act commits an offence.</i>	H
88.1(1)	<i>Every official representative who wilfully or through neglect fails to file a financial return with the Supervisor within the time required by section 59, 60, 62 or 62.1 commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category C offence.</i>	C
88.1(2)	<i>Notwithstanding subsection (1) the Supervisor may, either before or after the institution of proceedings against an official representative for failure to file a financial return as required by section 59, 60, 62 or 62.1, accept from the official representative alleged to have been guilty of such offence the payment of a sum equal to fifty dollars for each day the official representative is in default of filing such financial return.</i>	N/A
88.1(2.1)	<i>A chief financial officer who wilfully or through neglect fails to file a report under section 84.6 within the time required by subsection 84.6(1), (7) or (8) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category H offence.</i>	H

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Reference	Provision	Category of Offence
88.1(2.2)	<i>Despite subsection (2.1), the Supervisor may, either before or after the institution of proceedings against a chief financial officer for failure to file a report as required by section 84.6, accept from the chief financial officer alleged to have been guilty of the offence the payment of a sum equal to \$50 for each day the chief financial officer is in default of filing the report.</i>	N/A
89	<i>Every person who knowingly permits, tolerates, or participates in any way in the commission of an offence under this Act commits the same offence and is liable to the same penalties on conviction.</i>	As applicable

Appendix P: Fines under *Provincial Offences Procedure Act*

*Fines*³⁷

56(1) *Where an Act makes an offence punishable as a category A offence, a judge shall impose a fine of \$140.*

56(2) *Where an Act makes an offence punishable as a category B offence, a judge shall impose a fine of not less than \$140 and not more than \$640.*

56(3) *Where an Act makes an offence punishable as a category C offence, a judge shall impose a fine of not less than \$140 and not more than \$1,100.*

56(4) *Where an Act makes an offence punishable as a category D offence, a judge shall impose a fine of not less than \$140 and not more than \$2,100.*

56(5) *Where an Act makes an offence punishable as a category E offence, a judge shall impose a fine of not less than \$240 and not more than \$5,200.*

56(6) *Where an Act makes an offence punishable as a category F offence, a judge shall impose a fine of not less than \$240 and not more than \$10,200.*

56(7) *Where an Act makes an offence punishable as a category G offence, a judge shall impose a fine of not less than \$240 and not more than \$15,200.*

56(8) *Where an Act makes an offence punishable as a category H offence, a judge shall impose a fine of not less than \$500 and not more than \$20,500.*

56(9) *Where an Act makes an offence punishable as a category I offence, a judge shall impose a fine of not less than \$500 and not more than \$50,000.*

56(10) *Where an Act makes an offence punishable as a category J offence, a judge shall impose a fine of not less than \$500 and not more than \$200,000.*

³⁷ This Act is consolidated to January 1, 2018.