

amendments, whichever is the earlier date. This could be accomplished by the appropriate addition to Section 13.

RECOMMENDATION 12

We recommend that each party's agent remain in office until another (or others) is named by the party leader and that in the event of a party agent's death, resignation or incapacity, the leader should forthwith designate another, with the intention that each registered party shall always have at least one official agent.

COMMENT

This is analogous to the provisions presently contained in Section 62(2) of the Canada Elections Act regarding the appointment of another agent of a candidate in the event of the death, resignation or incapacity of the original agent.

RECOMMENDATION 13

We recommend that the present provisions as set out in Section 62 of the Canada Elections Act with respect to the filing with the returning officer of the name of each candidate's official agent, be retained.

RECOMMENDATION 14

We recommend that each registered party (earlier recommended to be a legal entity) be responsible for breaches by its official agent of his responsibilities and be guilty of an offence against the act if it knew or ought to have known of such breaches, unless it is established that such action was an oversight and is of no great gravity.

COMMENT

If the parties were not made legal entities, then the responsibility for breaches by each party's official agent would have to be assumed by the leader of that party who, in addition to being guilty of an offence against the Act, would be guilty of a corrupt practice.

RECOMMENDATION 15

We recommend that each candidate be similarly responsible for, and guilty of an offence against the Act and of a corrupt practice as a result of, breaches by his official agent about which he knew or ought to have known, unless it is established that such action was an oversight and is of no great gravity.

COMMENT

For penalties see Recommendations 52 and 53.

COMMENTS ON RECOMMENDATIONS 14 and 15

(a) The official agent should not be responsible for breaches by his leader or party.
The official agent should not be responsible for breaches by his candidate.

(b) In addition to the penalty of disqualification which may be imposed as a result of action taken under the Dominion Controverted Elections Act, the Canada Elections act in sections 14 and 21 (1) already renders ineligible to vote and to be a candidate any person found guilty of a corrupt practice.

(c) The equivalent provision in the Quebec Election Act is found in the second paragraph of Section 389, which provides as follows:

"A candidate or party leader whose official agent has been guilty of any of the above mentioned acts shall also be guilty of a corrupt practice unless it is established that such action is of no great gravity and could not have affected the result of the election, and that the candidate or party leader had also taken in good faith all possible and reasonable precautions to carry out the election honestly according to the requirements of the law."

Our conclusion was that the exonerating aspect of this provision is not broad enough.

RECOMMENDATION 16

We recommend that an official agent who is in breach of the Canada Elections Act either in incurring election expenses or in receiving funds is to be guilty of an offence against the Act and of a corrupt practice.

PART VI. DUTIES, PRIVILEGES AND PREROGATIVES OF OFFICIAL AGENTS

RECOMMENDATION 17

We recommend that the duties, privilege and prerogatives of the official agents be:

- (a) To receive all contributions.
- (b) To pay all bills.
- (c) To keep all financial records on the forms designed and supplied by the Chief Electoral Officer, together with all receipts, invoices, etc.
- (d) To render all reasonable assistance to the auditor (See recommendations 20 and 21).
- (e) To report, in the case of a candidate's agent, to the returning officer; and in the case of a party's agent, to the Chief Electoral Officer.
- (f) To receive all reimbursements from the Chief Electoral Officer.

RECOMMENDATION 18

- (a) We recommend that, during an election, all election expenses must be authorized by the appropriate official agent of a candidate or of a registered party.
- (b) We recommend that, at any other time, all expenses of registered parties must be authorized by their respective official agents.
- (c) We recommend that any person, corporation, association or registered party which directly or indirectly incurs election expenses or makes such expenditures, or which between elections incurs any expenses or makes such expenditure on behalf of any