



PROTECTED A

April 27, 2022

Our File 2019-1406

Mr. Duff Conacher
Board Member, Democracy Watch
P.O. Box 821
Station B
Ottawa, Ontario K1P 5P9

Dear Mr. Conacher:

This letter is to inform you that we have completed our review of your complaint dated October 17, 2019. Your complaint raised concerns as to whether the Manning Centre should have registered with Elections Canada as a third party, and whether the organizations it funded (five registered third parties) failed to disclose contributors as required by the *Canada Elections Act* (the Act), and/or colluded in violation of the rules set out in that Act.

All complaints received by the Commissioner of Canada Election (Commissioner) are carefully reviewed in order to determine whether there has been wrongdoing under the Act. To that end, our Office conducted a review of each of the elements contained in your complaint, which included conducting interviews as well as an analysis of documents.

As you know, the Commissioner, and those working on his behalf, are, by law, subject to strict confidentiality provisions that limit the sharing of investigative details. These provisions limit the amount and nature of the information that can be disclosed to anyone, including complainants.

Manning Centre

In accordance with paragraph 359(4)(b) of the Act, third parties that were required to register must file a return with the Chief Electoral Officer. These returns must include the name of each contributor who made contributions of \$200 or more for regulated expenses (i.e., expenses incurred for partisan activities, for partisan or election advertising or for election surveys) during a specific period. In addition to the contributor's name, the amount and date of each contribution must also be included in the return.

As such, the Act requires third parties to identify certain contributors, but there is no legislative requirement for third parties to identify the sources of funds of their contributors, nor is there

a requirement for contributors to third parties, such as Manning Centre, to identify their sources of funds.

The Act requires third parties to register with Elections Canada after incurring regulated expenses – including for the production and distribution of materials – of \$500 or more. Our review of the complaint did not uncover any information to support the claim that the Manning Centre exceeded this \$500 expense threshold. As such, the Manning Center had no obligation to register as a third party with Elections Canada.

Alleged Collusion

Section 351 of the Act reads as follows:

A third party shall not circumvent, or attempt to circumvent, a maximum amount set out in section 350 in any manner, including by splitting itself into two or more third parties for the purpose of circumventing the maximum amount or acting in collusion with another third party so that their combined partisan activity expenses, election advertising expenses and election survey expenses exceed the maximum amount.

Based on the information collected, our Office identified some inter-connectivity and commonalities between certain third parties and persons identified in your complaint. However, our review found no evidence to support the contention that the registered third parties colluded to circumvent the spending limit.

Subsection 350(1) of the Act states that a third party may spend an aggregate maximum of \$350,000.00 for regulated expenses. However, the returns submitted to Elections Canada by the five registered third parties reported a total of \$466,506.58 in regulated expenses.¹ None of these registered third parties came close to the expense threshold permitted under the Act.

In short, we have found no evidence to support the contention that the Manning Centre or the registered third parties it funded, violated the Act, nor that these registered third parties colluded to circumvent the spending limit.

In light of the above, we are closing our file on this matter.

Thank you for bringing this matter to our attention.

Sincerely,

¹ The following expenses were reported to Elections Canada: Canada Strong & Proud \$270,245.06; Quebec Fier \$130,651.76; Proudly New Brunswick \$35,349.24; Nova Scotia Proud \$22,562.84; and Newfoundland & Labrador Strong \$7697.68.



A.K. Mathews

A.K. Mathews
A/Senior Director Enforcement

