



P.O. Box 821, Stn. B, Ottawa K1P 5P9
Tel: 613-241-5179 Fax: 613-241-4758
Email: info@democracywatch.ca Internet: <http://democracywatch.ca>

Rules for Federal Election Expense Reimbursements, and Reimbursement Patterns from 2004 to 2019

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Reimbursements of 50 percent of election campaign costs are given to parties whose candidates receive two percent or more of the national vote in an election (and/or five percent of the votes in the electoral districts they run in), and candidates who receive 10 percent or more of the vote in an electoral district receive a reimbursement of 60 percent of their election campaign expenses (and 90 percent of childcare, other care and accessibility expenses).¹

Because they are based on votes received, as opposed to dollars received, these reimbursement subsidies are somewhat egalitarian. However, while it saves money, it is difficult to comprehend what is egalitarian about having thresholds for these reimbursements, as they disadvantage the capacity of parties that receive less than two percent, and candidates who receive less than 10 percent, of the vote from continuing on and contesting the next election.

In the six federal elections from 2004 to 2019 inclusive, the five main parties were the only parties that received reimbursements and,² other than three

¹ *Canada Elections Act (CEA)*, sections 444, and 477.73 to 477.76.

² Elections Canada, *Elections Expenses and Reimbursements, by Registered Political Party*, online:
<http://www.elections.ca/content.aspx?section=fin&dir=oth/pol/remb&document=index&lang=e>.

to six other candidates each election, only candidates from the five main parties received reimbursements.³ After the 2015 federal election during which spending was extraordinarily high because the campaign period was extraordinarily long, the five main parties received a combined total of \$60.6 million in reimbursements⁴ and their candidates received just over \$42.5 million (99.7%) of the reimbursements, with only four other independent candidates receiving reimbursements.⁵

After the more usual spending amounts and campaign period in the 2019 election, the five main parties received a combined total of \$34.3 million in reimbursements,⁶ and their candidates received \$28.7 million (99.4 percent) of the reimbursements granted, with only one candidate from one other party and three independents also receiving reimbursements.⁷ It should be noted that the candidate reimbursement system favours the Conservatives and Liberals most as in recent elections they have almost always had significantly more candidates

³ Only four other candidates received reimbursements after the 2019 and 2015 federal elections; only five after the 2011 and 2008 elections; only three after the 2006 election, and; only six after the 2004 election. Elections Canada, Reimbursements to Candidates, online:

<https://www.elections.ca/content.aspx?section=fin&document=index&dir=oth/can/rem&lang=e>.

⁴ Elections Canada, Total Paid Election Expenses and Reimbursements, by Registered Political Party – 2015 General Election, online:

https://www.elections.ca/content.aspx?section=fin&dir=oth/pol/rem&document=table1_15&lang=e.

⁵ The five main parties' candidates received \$42,573,710 of the total \$42,696,289 in reimbursements granted, and only one candidate of one other party (Forces et Démocratie - Allier les forces) and three independent candidates received reimbursements. Elections Canada, 42nd General Election – October 19, 2015 – Reimbursements to Candidates, online:

https://www.elections.ca/content.aspx?section=fin&dir=oth/can/rem/rem_42ge&document=table&lang=e.

⁶ Elections Canada, Total Paid Election and Accessibility Expenses and Reimbursements, by Registered Political Party – 2019 General Election, online:

https://www.elections.ca/content.aspx?section=fin&dir=oth/pol/rem&document=table1_19&lang=e.

⁷ The five main parties received \$28,709,788 out of the total of \$28,879,390 paid in reimbursements. Elections Canada, Reimbursements of Candidate's Expenses by Political Affiliation – 43rd General Election – October 21, 2019,

https://www.elections.ca/content.aspx?section=fin&dir=oth/can/rem/rem_43ge&document=table&lang=e.

who meet the threshold requirement than the other main parties (the 2011 election is the only exception, as the Conservatives had 284 candidates qualify, the NDP 280 and the Liberals 217).

In the six federal elections from 2004 to 2019 inclusive, the Conservatives had 292 candidates on average qualify to receive the reimbursement, the Liberals had 289 on average, the NDP 237, the Bloc 70 (which obviously also benefits them greatly given they only run candidates in districts in Quebec) and the Greens only 19.⁸ Combined with the amounts that MPs receive in annual budgets as noted above in section 3.19, the reimbursement and overall public funding system very much favours the main parties and their candidates and incumbents (especially the ruling party and its candidates), and disadvantages every other party and their candidates, in inegalitarian ways.

Removing the thresholds parties and candidates are required to meet in order to receive the reimbursement would be consistent with the main positions the majority of the Supreme Court of Canada expressed in its 2003 ruling in the *Figueroa* case. These positions were that selecting elected representatives is a right that citizens must have an equal opportunity to exercise⁹ and that political parties are a vehicle for the exercise of this right, no matter how small they are (i.e. no matter how many candidates they have in an election).¹⁰

⁸ Calculated from the statistics in the charts for each election 2004-2019 at Elections Canada, Reimbursements to Candidates, online:

<https://www.elections.ca/content.aspx?section=fin&document=index&dir=oth/can/rem&lang=e>.

⁹ *Figueroa v. Canada (Attorney General)*, 2003 SCC 37 (CanLII), [2003] 1 SCR 912, <<https://canlii.ca/t/1q6pl>> (*Figueroa (2003)*), para. 30.

¹⁰ *Figueroa (2003)*, para. 39.