

Dear Potential Candidates for the Canadian Action Party :

The attached candidate agreement is for your consideration, response and completion if you wish to be a candidate for the Canadian Action Party at the next federal election. You will require an official agent as well as an auditor who also will be required to sign a different agreement.

In particular CAP/PAC is very concerned about the fact that three candidates and/or official agents as well as one known official agent failed to return to CAP the \$1000.00 deposit they borrowed from us to be a candidate in the 2006 election despite the fact that Elections Canada returned to their agent the \$1000.00 which was supposed to come back to CAP.

We also require two references, your biography, and a jpg photo of you if possible. Even previous candidates will be required to complete the agreement if they wish to be endorsed by the CAP Leader next election.

Please print and complete the agreement as soon as possible. Then you can either scan and save as a pdf attachment and e-mail it to me at conniefogal@telus.net and to candidates@canadianactionparty.ca. You can also fax to CAP/PAC at (604) 872 1504. However, we require original signatures on letters of reference and an original photo of you if no jpg is available. Please mail these to the address listed below.

It is possible that as we get closer to the election there may be another or alternate agreement required by the national Executive of CAP. A number of you are very anxious to begin campaigning, therefore the sooner you return this agreement, the sooner we can activate you as a potential candidate.

You must understand that there is a formal process to being the official candidate for a party that is dictated by Elections Canada that you can only do after the Writ is dropped. You do not become the formal candidate authorized by Elections Canada until that process is completed including the formal endorsement of the Party Leader. No one can be a candidate for any party unless the Party's leader endorses the candidacy by written letter to Elections Canada.

Sincerely,

Connie Fogal,
Leader, Canadian Action Party/Parti action canadienne


Become a member of Canadian Action Party/Parti action canadienne or renew your membership here :

[https://secure.binarylock.com/canadianactionparty\\$joinus.html](https://secure.binarylock.com/canadianactionparty$joinus.html)

Also, every three years we must send proof of a certain number of members of the party to Elections Canada.

http://www.elections.ca/pol/pol/EC20036_c.pdf

Originals only are accepted, so if you could complete and mail to CAP head office Canadian Action Party, # 385- 916 West Broadway Ave., Vancouver, B.C., V5Z1K7.

Please complete the Candidate Agreement and Official Agent Agreement attached and mail in to the address noted above. 

For some useful tips here is the Elections Handbook for Candidates, Official Agents and Auditors:

<http://www.elections.ca/content.asp?section=pol&document=index&dir=can/ec20190&lang=f&textonly=false>



Canadian Action Party Candidate Agreement

This is an Agreement between the Canadian Action Party and any person seeking to stand for office in a Federal election as a Canadian Action Party candidate.

This agreement shall be binding upon the individual seeking candidacy when signed, dated and witnessed by a second individual.

The endorsement of you by the Leader of the Canadian Action Party as a candidate for the Canadian Action Party in a Federal election is conditional on your promise to uphold and present the principles and policies of the Canadian Action Party and your agreement to comply with all procedural requirements of Elections Canada and of the Canadian Action Party to be a candidate. A breach of these conditions would disqualify you as a candidate running under the Canadian Action Party name.

The Leader's final written endorsement of you as a candidate required by Elections Canada is subject to this agreement, and is conditional upon our receipt of this signed agreement and our receipt of your official agent's agreement.

(Please insert the appropriate information in the spaces below)

Name of Candidate : _____

Occupation & Employer : _____

Mailing Address: Box or suite number : _____

Street : _____

City, Province : _____

Postal Code : _____

Phone1 : _____ Phone2 _____

Fax: _____ Email: _____

Name of Federal Riding you seek to represent : _____

I, _____ (candidate name) have read the Canadian Action Party Policies, Constitution, Mission Statement and Vision for Canada, all as set out on the Canadian Action Party website, and I agree to uphold and present them.

1. I agree that all literature, websites, information and/or any campaign materials I use, create or distribute will reflect Canadian Action Party policies, mission statement and vision, and especially the Preamble to the Constitution of the Canadian Action Party.
2. I understand that I must read, follow, comply with, and be governed by all the rules and procedures for candidates set out in The Canada Elections Act and I agree to read this information on the website of Elections Canada at www.elections.ca
3. I understand that a hard copy of The Canada Elections Act will be provided to me by Elections Canada once I become a confirmed candidate upon my completion of formal candidate registration requirements once an election is called.
4. I agree to read and follow the ongoing reminders that Elections Canada will provide to me and to my official agent during an election .
5. Respecting the private candidate only section on the CAP website, once it is operational before or during an election, I agree to check and read it regularly, and to comply with all procedures and rules of Elections Canada and of the Canadian Action Party set out therein.
6. I agree to conduct myself with respect towards the electorate, opposing candidates and the democratic process, but to be consistent, firm, and unwavering in defending Canada's continued existence, our sovereignty, our citizen and human rights, and our liberties .
7. I will act responsibly in my representation of the Canadian Action Party. I will make myself accessible to the electorate. I will attend and speak at all candidate functions during

an election, but where my representation is denied by any organization, I will vigorously register my concern about this as discrimination against the people in my riding, not me personally.

8. By way of my signature applied to this document, I acknowledge I am not disqualified under S.65 of the Canada Elections Act to be a candidate.

S 65. The following persons are not eligible to be a candidate:

- (a) a person who is not qualified as an elector on the date on which his or her nomination paper is filed;
- (b) a person who is disqualified under paragraph 502 (3) (a) while they are so disqualified;
- (c) a member of the legislature of a province;
- (d) a sheriff, clerk of the peace or county Crown Attorney in any of the provinces;
- (e) a person who is not entitled under section 4 to vote;
- (f) a judge appointed by the Governor in Council, other than a citizenship judge appointed under the Citizenship Act;
- (g) a person who is imprisoned in a correctional institution;
- (h) an election officer; and
- (i) a person who was a candidate in a previous election and for whom a return, report, document or declaration has not been provided under subsection 451(1), if the time and any extension for providing it have expired.

S 502 (3) Any person who is convicted of having committed an offence that is an illegal practice or a corrupt practice under this Act shall, in addition to any other punishment for that offence prescribed by this Act, in the case of an illegal practice, during the next five years, or in the case of a corrupt practice, during the next seven years, after the date of their being so convicted, not be entitled to

(a) be elected to or sit in the House of Commons;

(Illegal practices under S. 502 (1) are: publication of a false statement of withdrawal of candidate; foreign broadcasting; exceeding election expenses limit; obstructing electoral process; inciting, conspiring to act in disorderly manner with the intention of preventing a public meeting called for the purposes of an election; takes, compels, or induces a false oath; signing a document between the issue of the writ and polling day that limits freedom of action in Parliament.)

S. 451. (1) The official agent of a candidate shall provide the Chief Electoral Officer with the following in respect of an election:

(a) an electoral campaign return, substantially in the prescribed form, on the financing and expenses for the candidates's electoral campaign;

(b) the auditor's report under section 453 on the return;

(c) repealed;

(d) a declaration, in the prescribed form, made by the official agent concerning the return;

and

(e) a declaration, in the prescribed form, made by the candidate concerning the return.

9. I have read these eligibility requirements, and I confirm that I am not disqualified to be a candidate.

\$1000.00 DEPOSIT

10. I understand that Elections Canada requires a \$1,000.00 refundable deposit from each candidate before the candidate is allowed to run by Elections Canada. This deposit is a form of security to ensure the candidate and his/.her agent comply with all the reporting requirements after the election is over. Failure to comply results in a loss of the deposit.

11. I understand that it is my responsibility to make every effort possible to obtain the \$1000.00 deposit myself, by saving for it or by borrowing for it, leaving me with the full burden of loss if I fail to comply.

12. I understand that in the past the Canadian Action Party has lent the deposit to some candidates where necessary, but a very few candidates have failed to return the funds to the Canadian Action Party. This failure arose in two ways: (i) noncompliance with reporting resulting in forfeiture of the deposit; (ii) failure /refusal of the candidate or his/her agent to return the \$1000.00 deposit upon its return to them by Elections Canada.

13. In the event the Canadian Action Party again decides to lend the \$1000.00 deposit to candidates unable to borrow or raise it privately, I agree that I am personally responsible for its return and personally liable for any failure to return it to the Canadian Action Party. I understand that no loan from the Canadian Action Party will be forthcoming to me without a signed guarantee of repayment by me.

14. In addition, I promise to do the following respecting such a \$ 1000.00 loan if granted to me by the Canadian Action Party:

(a) At the time of registration of me as a candidate before a Returning Officer during an election, I will tick the appropriate box in the registration form to direct that the \$1000.00 is sent directly back to the Canadian Action Party, not to me or to my agent.

(b) In the event that Elections Canada sends the money back to my official agent rather than return it to The Canadian Action Party, I will take all steps possible to ensure that my agent does not keep the \$1000.00, but if he/she does, then I personally will repay the party and collect from my agent.

(c) I will ensure that my official agent writes a letter to the Canadian Action Party confirming his /her responsibility and commitment to pay the \$1000.00 directly to the Canadian Action Party in the event the Elections Canada returns the deposit to him/her.

(d) I will take all other steps vis-a-vis Elections Canada that the Canadian Action Party requires me to take respecting the repayment of that deposit loan to the Canadian Action Party.

I, the undersigned _____

CANDIDATE NAME (PRINT) :

I confirm that I have read and understand this agreement, and I accept the terms of this agreement to represent the Canadian Action Party as a candidate in the next Federal Election.

Signature of Canadian Action Party Candidate: _____

Witness Name: _____

Witness Signature: _____

Date: _____

A hard copy of this agreement bearing your written signature must be received by us either by fax or regular mail. An e mail will suffice to let us know you are interested and will be helpful for our organization of the candidate list, but be advised that your candidacy will not be accepted without our receipt of your signed agreement and your official agent's signed agreement.

MAIL TO: Canadian Action Party
Head office : # 385- 916 West Broadway, Vancouver BC, V5Z1K7.

Keep a copy for your own records

FAX TO: 604 872 1504

E mail to conniefogal@telus.net and to candidates@canadianactionparty.ca

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DEPOSIT LOAN

If you think you will be needing a loan from the Canadian Action Party, this section requires your separate signature. Otherwise, please write "not applicable" in the signature line. Please understand that your signature here does not commit the Canadian Action Party to lend you the \$1000.00 deposit.

In the event a loan is available to candidates for the \$1000.00 deposit, I accept the conditions of the loan described above:

Candidate Name and Signature : _____

Witness Name and Signature : _____

Date : _____

ADDENDUM:**Elections Canada Requirements -Important Considerations for Prospective Candidates**

This publication gives prospective candidates an overview of the procedures for official nomination, and their responsibilities and duties during federal elections. For more detailed information, please see the Canada Elections Act and Elections Canada's Election Handbook for Candidates, Their Official Agents and Auditors (EC 20190)

<http://www.elections.ca/content.asp?section=pol&document=index&dir=can/ec20190&lang=e&textonly=false> .

Eligibility

The right to be a candidate in a federal election is protected by the Canadian Charter of Rights and Freedoms. The procedures and responsibilities are spelled out in the Canada Elections Act.

Unless specifically declared to be ineligible under section 65 of the Canada Elections Act, any person qualified as an elector may run for election. That is, a prospective candidate must be a Canadian citizen who is at least 18 years of age on election day. A candidate may seek election in only one riding at a time; however, the candidate need not be a registered elector or even reside in that riding. (A riding is also known as a constituency or electoral district.)

Nomination procedures

A candidate's first official duty is to appoint an official agent as well as an auditor (2 different persons).

You can choose your own auditor, however, a qualified auditor is available who knows the required procedures well and has agreed to audit candidate returns for the fee accepted and paid for by Elections Canada. If desired, please contact :

Gary Rozon, CMA

385- 916 West Broadway Avenue, Vancouver, B.C. V5Z1K7.

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229 Markland Crescent

Ottawa K2G 6A9

613 823-7922 phone 613 866-2299 cell 613 823-9757 fax garyrozoncma@rogers.com

The auditor must complete an agreement on your behalf.

The official agent must also be appointed before the campaign accepts a contribution or incurs an electoral campaign expense.

As soon as possible after an election is called, every person who has decided to be a candidate in that election and who has chosen an official agent and an auditor must obtain the Nomination Paper (EC 20010) from the returning officer of the riding in which that person intends to be a candidate, or from Elections Canada's website http://www.elections.ca/po/can/ec20010_e.pdf. The nomination papers must be signed before a witness by at least 100 persons who are electors entitled to vote in the riding in which the candidate is seeking nomination. It is best to get 125 to 150 to be sure you have enough to cover any struck off by the returning officer. (In the case of the larger or remote ridings listed in Schedule 3 of the Act, the required minimum number of signatures is 50.)

The nomination papers must then be submitted to the returning officer by the witness to the prospective candidate's sworn consent to the nomination. The papers include a witnessed declaration signed by the candidate stating that he or she accepts the nomination, statements signed by the official agent and the auditor consenting to act in those capacities, the candidate's name, permanent address and occupation, the official agent's name and permanent address, and the name, business address and occupation of the auditor. A candidate is also required to pay a deposit of \$1,000. This is reimbursed if the candidate's official agent submits the candidate's election expenses returns and unused official receipts within the required time.

When a candidate is endorsed by a political party and wishes to have the party's name appear under his or her name on the ballot, the nomination papers must include a letter of endorsement signed by the leader of the party (or in a general election, by his or her representative). If no such letter is filed, a candidate must indicate on the nomination papers whether he or she wishes to be designated on the ballot by the term "independent," or to have no designation appear.

In a general election, a political party's name may accompany the candidate's name on the ballot only if the party is registered by the close of nominations that is, if it complies with the administrative requirements for registration set out in sections 366 and 368 of the Act, and has applied to be registered at least 60 days before the issue of the writs. The party must have also endorsed at least one confirmed candidate. If an eligible party misses the 60-day deadline but meets all the other requirements, it may become a registered party for the next by-election or general election.

The witness to the candidate's consent to the nomination must submit the nomination papers, the deposit and all related documents to the returning officer between the time that the returning officer publishes the Notice of Election and the time that the nominations close at 2:00 p.m. on Monday, the 21st day before election day. A candidate whose witness is unable to get to the office of the returning officer has the option of making other arrangements with the returning officer under subsection 70(3) of the Act to file the nomination papers, or the prospective candidate may file electronic copies of the documents by the close of nominations. For electronic filing, the returning officer must receive the deposit by the close of nominations and he or she must receive the original documents not later than 48 hours after the close of nominations.

Candidates who change their minds have until 5:00 p.m. on the closing day for nominations to withdraw.

After receiving the nomination papers, the returning officer has 48 hours to review them and, in particular, to confirm that the nominating electors are electors entitled to vote in that riding.

To ensure a smooth and speedy nomination process, Elections Canada encourages prospective candidates to accommodate the returning officer's review by taking the following precautions when preparing their nomination papers:

- File as early as possible, so that there is sufficient time to correct the nomination papers if the returning officer finds they are incomplete.
- Make sure that the names and addresses of nominating electors are as legible, complete and clear as possible. This will help speed up the verification process and allow the returning officer to confirm the candidate's nomination quickly.

- Provide more than the required number of signatures, so that if there are difficulties in confirming the qualifications of some electors, there will still be sufficient names to continue the process and reach the threshold of 100 (or 50, as required). You cannot provide additional signatures to the returning officer after 2:00 p.m. on Monday, the 21st day before election day. Following the review, the returning officer will accept or reject each nomination. If a nomination is rejected, a candidate may present new nomination papers up to the time that nominations close. The returning officer will review each new or corrected set of nomination papers within 48 hours.

Financing - Roles of the official agent and auditor

The official agent is responsible for all financial aspects of the campaign. For example, the agent must receive all campaign contributions, deposit them in a designated account, and make or authorize all disbursements (except for petty expenses and the candidate's personal expenses). The agent must also keep a record of all receipts and disbursements, prepare and submit all financial reports, and sign and issue all receipts for income tax credit purposes.

The auditor must examine all accounting entries, audit the candidate's election expenses return, and report on the findings of the audit.

Limit on expenses

One of the objectives of the Canada Elections Act is to limit candidates' election expenses to ensure a level playing field for candidates. Election expenses are expenses incurred directly to promote or oppose a registered political party, its leader or a particular candidate during an election. Expenses include amounts paid, liabilities incurred, and the commercial value of goods and services donated (other than volunteer labour) or acquired at less than commercial value, regardless of when the goods and services are acquired or paid for.

The Chief Electoral Officer determines the indexed limit on allowable expenses on the basis of the number of registered electors on either the preliminary or revised voters lists for the riding where the candidacy occurs, whichever is greater. The Act provides for raising the limit in certain circumstances:

- For a general election, in ridings where there are fewer electors than the national average, the Act adjusts the number of electors upward.
- For a by-election, if the number of electors on the lists in a riding is less than the national average in the preceding general election, the Act adjusts the number of electors upward.
- Where the number of electors on the lists in a riding is less than 10 per square kilometre, the base amount is increased.
- If an election is postponed following the death of a candidate endorsed by a registered party, all candidates at the postponed election are entitled to election expenses limits equal to 1½ times the amount normally stipulated.

Payment of expenses

Only the candidate and the candidate's official agent may pay the candidate's personal expenses. At the end of the campaign the candidate must provide the official agent with a statement of personal expenses.

Other campaign-related expenses may only be paid by the candidate's official agent, except for expenses paid out of a petty cash fund by persons authorized in writing by the official agent.

Contributions

The candidate and the official agent are required to comply with the provisions about prohibited contribution sources. They can only accept contributions from:

- individuals who are Canadian citizens or permanent residents of Canada
- corporations as defined in subsection 404.1(2) that carry on business in Canada, other than Crown corporations or corporations that receive more than 50% of their funding from the federal government

- trade unions that hold bargaining rights for employees in Canada
- "unincorporated associations" that raise money from eligible individual contributors for that purpose.

It is illegal for anyone (including a company or other organization) to solicit or accept a contribution on behalf of a registered party, registered association or candidate if the person or entity made a representation to the contributor or potential contributor that all or any part of the contribution would be transferred to a person or entity other than the registered party, a candidate, leadership contestant or electoral district association. It is also illegal for anyone to collude with someone else (including a company or other organization) to circumvent this prohibition.

Official tax receipts

Once a candidate's nomination is confirmed, the returning officer will provide the official agent, on request, with pre-numbered official tax receipts. The agent may issue a receipt for each monetary contribution received in the period starting with the day on which the candidate's nomination is confirmed by the returning officer and continuing for the rest of the election period. The official agent is entirely responsible for issuing proper receipts under the Income Tax Act. (Prior to an election call, head office will issue receipts for all contributions made to The Canadian Action Party.)

Records and returns

The official agent is required to keep a record of all contributions received and of all expenses incurred so they may be verified by the candidate's auditor. The official agent must:

- retain this record for at least seven years after the end of the year in which the election is held
- file with the Canada Revenue Agency a report of all contributions received and all official receipts issued

- file a return with Elections Canada, disclosing all contributions received and all election expenses incurred, using the forms prescribed by the Chief Electoral Officer

Reimbursements

If a candidate is elected or receives at least 10% of the valid votes cast in his or her riding at an election, shortly after the return of the writs the Chief Electoral Officer will authorize the Receiver General to send the candidate's official agent (or a designate) an interim reimbursement of 15% of the expenses limit for that riding. The candidate's official agent must return to the Receiver General any amount received that is more than 60% of the total of the personal expenses paid by the candidate and the candidate's election expenses that have been paid by the official agent as set out in the candidate's electoral campaign return.

If the official agent and candidate also comply with all the post-election requirements of the Canada Elections Act, the official agent (or a designate) will receive a second installment, which represents a reimbursement of 60% of actual election and personal expenses paid, minus the amount he or she has already received, to a maximum of 60% of the election expenses limit for the riding.

A candidate is reimbursed the full amount of his or her \$1,000 deposit if the official agent returned any unused official tax receipts to the returning officer within a month after election day, and submitted the required reports and other related documents required by the Act, within the time prescribed.

Offences and penalties

A person found guilty of an infraction of an offence provision of the Canada Elections Act may be subject to a fine and to a period of imprisonment, as provided for in the Act.

The Act defines some offences as "corrupt practices" or "illegal practices." For these specified offences, penalties will include, in addition to any other sentence, loss of the right to be a candidate for a period of five or seven years. One example of an illegal practice under the Act is the case of a candidate, an official agent or any person authorized by a candidate who wilfully exceeds the allowable limit for election expenses.

Since candidates can be held liable for some actions taken by their workers and agents, candidates and their official agents must use extreme caution when delegating their responsibilities and authority.

For more information, please contact:

Elections Canada
257 Slater Street
Ottawa, Ontario
K1A 0M6

Telephone 1 800 463-6868 (toll-free in Canada and the United States)

**AGREEMENT BETWEEN OFFICIAL AGENT FOR A CANDIDATE OF THE
CANADIAN ACTION PARTY (CAP) AND THE CANADIAN ACTION PARTY**

I, _____ of , _____
Name Address

am the Official Agent for _____
Name of candidate

for the election to Parliament of Canada in the federal election of 2007.

1. I agree to exercise the powers and perform the duties and functions of Official Agent as set out in Division 4 of the Canada Elections Act .
2. I understand that under S.436 I am responsible to administer the candidate's financial transactions for his or her electoral campaign and for reporting on those transactions in accordance with the Elections Canada Act.
3. I understand that under S.437 I must open a separate bank account in a Canadian financial institution for the sole purpose of the candidate's electoral campaign.
4. I understand that I must familiarize myself with the provisions of Division 4 and that I must read and act upon the information bulletins sent to me from Elections Canada and from the Canadian Action party with respect to my duties in the campaign.
5. I understand that the candidate must provide a \$1000.00 deposit to the Receiver General of Canada by way of cheque, or money order payable to the Receiver General of Canada or cash in order to be a candidate.
6. I understand that the money will be returned only on the condition that all the post-election financial reporting to Elections Canada is properly completed on time. In the event of a loan from Canadian Action Party, I agree that on Part 1 Section G of Candidate's Electoral return I will tick the box indicating that the deposit was paid by Canadian Action Party. http://www.elections.ca/po/can/ec20120_c2.pdf

7. I understand that if the \$1000.00 cheque is payable to me from Elections Canada it is NOT MINE TO KEEP.

8. I understand and agree that immediately upon my receipt of that \$1000.00, I will return it to whomever provided the \$1000.00, i.e. the candidate, or the Canadian Action Party, or someone else.

9. I agree that in the event that I do not return the \$1000.00 to the appropriate person, that I am personally liable for its immediate repayment and to all costs of collection.

10. I understand that these terms are imposed because the Canadian Action Party suffered the loss of \$4,000.00 from the January 2006 election as a result of theft of that deposit by four candidates and agents which deposit was a loan from the Canadian Action Party, and which money came from the contributions of ordinary citizens across Canada, some being pensioners or disabled people. The person's responsible have moved or changed contact information such as to make collection difficult even though they signed promises to repay.

11. I understand that if I fail to pay the money back to the appropriate person, that my name will go on a dishonour list and be posted on the Canadian Action Party website, and that collection proceedings will be taken against me.

12. I understand that until this agreement is signed and returned to the Canadian Action Party, the Canadian Action Party will not provide the candidate with the required \$1000.00 cheque for the Receiver General, nor provide the necessary papers for filing to be a candidate including the consent form from the Leader.

13. I agree that in the event the candidate has borrowed that \$1,000.00 deposit from the Canadian Action Party, immediately that it is returned to me from Election Canada, that I will forthwith return that \$1,000.00 directly to the Canadian Action Party. I will endorse the cheque marked "payable only to Canadian Action Party."

I will mail the cheque to:

Canadian Action Party / Parti Action Canadienne

#385 – 916 West Broadway,

Vancouver, BC V5Z 1K7



Dated: _____

Name of Official Agent: _____

Signature of Official Agent: _____

Witness Name : _____

Signature : _____

Address : _____