

2016 Bill 35

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 35**

## **FAIR ELECTIONS FINANCING ACT**

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THE MINISTER RESPONSIBLE FOR DEMOCRATIC RENEWAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 35

2016

### FAIR ELECTIONS FINANCING ACT

(Assented to \_\_\_\_\_, 2016)

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### Amends RSA 2000 cE-2

**1 The *Election Finances and Contributions Disclosure Act* is amended by this Act.**

#### **2 Section 1 is amended**

##### **(a) in subsection (1)**

##### **(i) by adding the following after clause (a.1):**

(a.2) “campaign expense” means a campaign expense described in section 1.1;

##### **(ii) by repealing clause (b)(v) and substituting the following:**

(v) in the case of a nomination contest, the period beginning on the date the nomination contestant is required to register under section 9.3 and ending 2 months after the day on which a nomination contestant is selected for endorsement as the official candidate of the registered party for an electoral division;

(vi) in the case of a leadership contest, the period beginning on the date the leadership contestant is required to register under section 9.2 and ending 2

## Explanatory Notes

**1** Amends chapter E-2 of the Revised Statutes of Alberta 2000.

**2** Section 1 presently reads in part:

*1(1) In this Act,*

*(b) “campaign period” means*

- (i) in the case of a general election held in accordance with section 38.1(2) of the Election Act, the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,*
- (ii) in the case of a general election held other than in accordance with section 38.1(2) of the Election Act, the period commencing with the issue of a writ for the election and ending 2 months after polling day,*
- (iii) in the case of an election held under the Senatorial Selection Act, the period commencing with the issue of a writ for the election and ending 2 months after polling day,*

months after the day on which a leadership contestant is selected to be the leader of the registered party;

**(iii) by repealing clause (c)(i) and substituting the following:**

- (i) with respect to an election under the *Election Act*, a person
  - (A) who is selected for endorsement as the official candidate of a registered political party for the electoral division, or
  - (B) who, after the commencement of the campaign period, declares the person's candidacy as an independent candidate at the election in the electoral division;

**(iv) by repealing clause (e) and substituting the following:**

- (e) "contribution" means, subject to subsection (5), any money, real property, goods or services, or the use of real property, goods or services, provided
  - (i) to a political party, constituency association, candidate, nomination contestant or leadership contestant, or
  - (ii) for the benefit of a political party, constituency association, candidate, nomination contestant or leadership contestant with the consent of the political party, the constituency association, the candidate, the nomination contestant or the leadership contestant,

without compensation from that political party, constituency association, candidate, nomination contestant or leadership contestant;

**(v) by adding the following after clause (f):**

- (iv) *in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day, and*
  - (v) *in the case of a leadership contest, the period beginning on the date of the official call of the leadership contest, as set out in a statement filed by a registered party under section 9.2, and ending 2 months after the date of the leadership vote;*
- (c) *“candidate” means*
- (i) *with respect to an election under the Election Act, a person*
    - (B) *who is nominated as a candidate for an electoral division in accordance with the Election Act,*
    - (C) *who is nominated by a constituency association of a registered party in an electoral division for endorsement as the official candidate of that party in the electoral division, or*
    - (D) *who, on or after the date of the issue of a writ for an election in an electoral division, declares the person’s candidacy as an independent candidate at the election in the electoral division;*
  - (ii) *with respect to an election under the Senatorial Selection Act, a person*
    - (A) *who is nominated as a candidate,*
    - (B) *who is nominated by a registered political party for endorsement as the official candidate of that party, or*
    - (C) *who, on or after the date of the issue of a writ for an election, declares the person’s candidacy as an independent candidate at the election;*
- (e) *“contribution” means any money, real property or goods or the use of real property or goods that is provided*
- (i) *to a political party, constituency association, candidate or leadership contestant, or*

(f.1) “election period” means the period commencing the day the writ of election is issued for an election and ending at the end of the polling day;

**(vi) by adding the following after clause (i.3):**

(i.4) “nomination contest” means a process referred to in section 9.3 for the selection of a person for endorsement as the official candidate of a registered party for an electoral division;

(i.5) “nomination contestant” means a person who seeks endorsement in a nomination contest as the official candidate of a registered party for an electoral division;

**(vii) by adding the following after clause (n.1):**

(n.2) “registered nomination contestant” means a nomination contestant registered under section 9.3;

**(b) by adding the following after subsection (2):**

**(2.01)** The Chief Electoral Officer may issue guidelines

- (a) to identify which documents required to be filed under this Act may be filed electronically, and
- (b) the manner in which they may be filed,

and shall publish any guidelines on the Chief Electoral Officer’s website.

**(c) by adding the following after subsection (4):**

**(5)** For the purposes of subsection (1)(e), “services” does not include

- (a) volunteer labour provided by a person, so long as that person does not receive from his or her employer, or any person, compensation or paid time off to volunteer,
- (b) audit and professional services provided free of charge to the recipient for work relating to compliance with this Act,

*(ii) for the benefit of a political party, constituency association, candidate or leadership contestant with the consent of the political party, the constituency association, the candidate or the leadership contestant,*

*without compensation from that political party, constituency association, candidate or leadership contestant;*

*(f) “election” means*

*(i) an election of a person as a Member of the Legislative Assembly conducted under the Election Act, and*

*(ii) an election of a person under the Senatorial Selection Act;*

- (c) services provided free of charge by a person acting as the chief financial officer for work relating to compliance with this Act, or
- (d) services that a candidate, nomination contestant or leadership contestant provides in support of his or her own campaign,

but for greater certainty, “services” includes services provided by a person who is self-employed if the services are normally charged for by that person.

### **3 The following is added after section 1:**

#### **Campaign expenses**

**1.1(1)** For the purposes of this Act, a campaign expense is any expense incurred, or non-monetary contribution received,

- (a) by a registered party, registered constituency association or registered candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a registered party, a registered constituency association or a registered candidate during a campaign period, and
- (b) by a nomination contestant or leadership contestant, to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a nomination contestant or leadership contestant during a campaign period of the nomination contestant or leadership contestant, as the case may be,

**(2)** For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

**(3)** A campaign expense referred to in subsection (1) includes an expense incurred for, or a non-monetary contribution in relation to,

- (a) the production of advertising or promotional material,

**3** Campaign expenses.

- (b) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
- (c) the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity,
- (d) securing a meeting place, or
- (e) the conduct of election surveys or other surveys or research during a campaign period.

(3) In subsection (1), "expense incurred" means an expense that is incurred, whether it is paid or unpaid.

**4 Section 2 is repealed.**

**5 Section 4(1) is amended**

- (a) **in clause (a) by adding** " , returns or reports" **after** "financial statements";
- (b) **in clause (b)**
  - (i) **by striking out "and" at the end of subclause (ii.1) and by adding the following after subclause (ii.1):**
    - (ii.2) registered nomination contestants in relation to nomination contests, and
  - (ii) **by repealing subclause (iii) and substituting the following:**
    - (iii) registered third parties in relation to election advertising or political advertising under Part 6.1;
- (c) **by repealing clauses (d) to (e) and substituting the following:**

**4** Section 2 presently reads:

*2 This Act does not apply to campaigns and conventions carried on or held in relation to constituency association nominations for endorsement of official party candidates.*

**5** Section 4 presently reads:

*4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer's other powers and duties under this Act, the Election Act and the Senatorial Selection Act,*

- (a) may examine all financial statements required to be filed with the Chief Electoral Officer;*
- (b) may inquire into or conduct periodic investigations of the financial affairs and records of*
  - (i) registered parties and registered constituency associations,*
  - (ii) registered candidates in relation to election campaigns,*
  - (ii.1) registered leadership contestants in relation to leadership contests, and*

- (d) with respect to a registered party and a registered constituency association shall publish the financial statements required to be filed with the Chief Electoral Officer under section 42;
- (e) with respect to a registered party and a registered constituency association, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a report is required to be filed with the Chief Electoral Officer under section 32(3), which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed,
- (f) with respect to a registered party and a registered candidate, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a campaign return is required to be filed with the Chief Electoral Officer under section 43, which statement must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;
- (g) with respect to a registered nomination contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a nomination contestant campaign return is required to be filed with the Chief Electoral Officer under section 43.01, which statement must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;
- (h) with respect to a registered leadership contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a leadership contestant campaign return is required to be filed with the Chief Electoral Officer under section 43.02, which statement must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;

- (iii) *registered third parties in relation to election advertising under Part 6.1;*
  - (b.1) *may, on the Chief Electoral Officer's own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under this Act;*
  - (c) *shall provide or approve forms for the purposes of this Act;*
  - (d) *with respect to a registered party, constituency association and registered candidate, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which*
    - (i) *a return is required to be filed with the Chief Electoral Officer under section 32(3) or (4), and*
    - (ii) *the financial statement is required to be filed with the Chief Electoral Officer under section 42 or 43;*
  - (d.1) *with respect to a registered leadership contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which the financial statement and return are required to be filed with the Chief Electoral Officer under section 44.96;*
  - (d.2) *shall include in the statements published by the Chief Electoral Officer under clauses (d) and (d.1) the name of any contributor who has contributed an amount exceeding \$250 in the aggregate and the actual amount contributed;*
  - (e) *with respect to a third party, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which the election advertising report is required to be filed with the Chief Electoral Officer under section 44.9, which must include the name of any contributor who has contributed to the third party an amount exceeding \$250 in the aggregate, and the actual amount contributed.*
- (2) *The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer's functions under this Act, including any recommendations for amendments to this Act, and shall transmit the report to the Standing*

- (i) with respect to a third party that engages in election advertising, shall publish a statement on the Chief Electoral Officer's website
  - (i) within 30 days after the date on which an election advertising return referred to in section 44.9(1) or a report referred to in section 44.9(3) is required to be filed, which statement must include the name of any contributor referred to in the return or report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed,
  - (ii) as soon as reasonably possible after the date on which a report referred to in section 44.81 is required to be filed with the Chief Electoral Officer, which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;
- (j) with respect to a third party that engages in political advertising, shall publish a statement on the Chief Electoral Officer's website
  - (i) within 30 days after the date on which a political advertising report is required to be filed with the Chief Electoral Officer under section 44.82(2), which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and
  - (ii) as soon as reasonably possible after the date on which a report referred to in section 44.82(5) is required to be filed with the Chief Electoral Officer, which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed.

*Committee on Legislative Offices, which shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.*

**6 Section 5 is amended**

- (a) in subsection (2) by adding “nomination contestant,” after “candidate,”;**
- (b) in subsection (3) by adding “registered nomination contestant,” after “registered candidate,” wherever it occurs.**

**7 Section 5.2(2) is amended by adding the following after clause (a):**

- (a.1) disclosed to a political party if a constituency association, a candidate, a nomination contestant or a leadership contestant of that political party is the subject of an investigation under this Act,
- (a.2) disclosed to the Minister responsible for the *Alberta Personal Income Tax Act* where a contribution has been made or accepted in contravention of this Act for which a receipt has been issued under section 33,

**6** Section 5 presently reads in part:

*(2) For the purpose of carrying out an examination or inquiry, or conducting an investigation, referred to in section 4(1), a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association, candidate, leadership contestant or third party relevant to the subject-matter of the examination, inquiry or investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.*

*(3) A registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the financial affairs of the registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.*

**7** Section 5.2 presently reads in part:

*(2) Information and allegations to which subsection (1) applies may be*

- (a) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,*
- (b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,*
- (c) disclosed in a report made by the Chief Electoral Officer under section 44(1),*
- (d) adduced in evidence at an inquiry, and*

**8 Section 9 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Registration of candidates**

**9(1)** Subject to subsection (1.1), no candidate and no person acting on behalf of a candidate shall

- (a) accept contributions, or
- (b) incur any campaign expenses,

unless the candidate is registered under this section.

- (b) in subsection (1.1) by striking out “use any funds” and substituting “incur any campaign expenses”;**

- (c) in subsection (2)**

- (i) by repealing clause (a) and substituting the following:**

- (a) that, in the case of a candidate under the *Election Act*, the candidate
  - (i) has been endorsed as the official candidate of a named registered party in a named electoral division and has enclosed with the candidate’s application a statement to that effect attested to by one of the principal officers of the registered party or the applicable constituency association, or
  - (ii) has, after the commencement of the campaign period, declared the candidate’s candidacy as an

- (e) *disclosed where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.*

**8** Section 9 presently reads:

*9(1) Subject to subsection (1.1), no candidate and no person acting on behalf of a candidate shall*

- (a) *accept contributions pursuant to section 17 or 18, as the case may be, or*
- (b) *use any funds, including the funds of the candidate,*

*unless the candidate is registered under this Act.*

*(1.1) No registered candidate and no person acting for a registered candidate shall accept contributions or use any funds except during the campaign period.*

*(2) The Chief Electoral Officer shall maintain a register of candidates in relation to each election and, subject to this section, shall register in it any candidate who is qualified to be registered and who files with the Chief Electoral Officer an application for registration setting out*

- (a) *that, in the case of a candidate under the Election Act, the candidate*
  - (ii) *has been nominated as a candidate for a named electoral division in accordance with the Election Act,*
  - (iii) *has been nominated by a named constituency association of a named registered party in a named electoral division for endorsation as the official candidate of that party in the electoral division and enclosing with the candidate's application a statement to that effect attested to by one of the principal officers of the association, or*
  - (iv) *has, after the date of the issue of a writ for an election in a named electoral division, declared the candidate's*

independent candidate at the election in a named electoral division;

**(ii) in clause (g) by striking out “as depositories for” and substituting “for the accounts into which are deposited”;**

**(iii) in clause (h) by striking out “depository” and substituting “account”;**

**(d) by adding the following after subsection (3):**

**(3.1)** On the receipt by the Chief Electoral Officer of a statement referred to in section 9.3(10), the nomination contestant selected for endorsement as the official candidate of the registered party is deemed to be a registered candidate and is not required to file an application for registration referred to in subsection (2).

**(e) by adding the following after subsection (4):**

**(4.1)** A nomination contestant who is deemed under subsection (3.1) to be a registered candidate shall notify the Chief Electoral Officer in writing of any change in the information referred to in subsection (2)(c) to (h) within 48 hours of the change.

*candidacy as an independent candidate at the election in that electoral division;*

*(b) that, in the case of a candidate under the Senatorial Selection Act, the candidate*

*(i) has been nominated as a candidate in accordance with the Senatorial Selection Act,*

*(ii) has been nominated by a named registered party for endorsement as the official candidate of that party and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party, or*

*(iii) has, after the date of the issue of a writ for an election, declared the candidate's candidacy as an independent candidate at the election;*

*(c) the full name and contact information of the candidate;*

*(d) the political party affiliation, if any, of the candidate attested to by one of the principal officers of the constituency association;*

*(e) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;*

*(f) the name of the chief financial officer of the candidate;*

*(g) the name and address of the financial institutions to be used by or on behalf of the candidate as depositories for contributions made to that candidate;*

*(h) the names of the signing authorities for each depository referred to in clause (g).*

*(3) A candidate who files an application under subsection (2) after the issue of a writ for an election shall be registered on the date the application is approved by the Chief Electoral Officer.*

*(4) When there is any change in the information required to be provided by subsection (2), the registered candidate shall notify the Chief Electoral Officer in writing within 48 hours after the alteration and, subject to section 10, on receipt of the notice the*

**9 Section 9.1 is amended**

- (a) by repealing subsections (1) and (2) and substituting the following:**

**Registration of third parties**

**9.1(1)** A third party shall apply for registration under this section

- (a) when it has incurred expenses of \$1000 or plans to incur advertising expenses of at least \$1000 for election advertising or political advertising, or
- (b) when it has accepted advertising contributions of \$1000 or plans to accept advertising contributions of at least \$1000.

**(2)** The Chief Electoral Officer shall maintain separate registers as follows:

- (a) a register of third parties who engage in election advertising, and
- (b) a register of third parties who engage in political advertising.

**(2.1)** Subject to this section, the Chief Electoral Officer shall register in the appropriate register any third party who is eligible to be registered and who files with the Chief Electoral Officer an application for registration setting out the following:

- (a) the name and contact information
  - (i) if the third party is a person, of the person,
  - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and

*Chief Electoral Officer shall vary the register of candidates accordingly.*

*(5) Notice under subsection (4) may be sent by fax or electronic mail.*

**9** Section 9.1 presently reads:

*9.1(1) A third party shall apply for registration under this section*

- (a) when it has incurred expenses of \$1000 or plans to incur expenses of at least \$1000 for election advertising, or*
- (b) when it has accepted election advertising contributions of \$1000 or plans to accept election advertising contributions of at least \$1000.*

*(2) The Chief Electoral Officer shall maintain a register of third parties and, subject to this section, shall register in it any third party who is eligible to be registered and who files with the Chief Electoral Officer an application for registration setting out the following:*

- (a) the name and contact information*
  - (i) if the third party is a person, of the person,*
  - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and*
  - (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;*
- (b) the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta where communications may be addressed;*
- (c) the name, address and telephone number of the chief financial officer responsible for the advertising account of the third party;*
- (d) the name and address of the financial institution to be used by the third party for its advertising account;*

- (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;
  - (b) whether the third party will be engaging in election advertising or political advertising or both;
  - (c) in the case of a third party who engages or will be engaging in election advertising, the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta to which communications may be addressed;
  - (d) in the case of a third party who engages or will be engaging in political advertising, the address and telephone number of the place or places in Canada where records of the third party are maintained and of the place in Canada to which communications may be addressed;
  - (e) the name and contact information of the chief financial officer responsible for the advertising account of the third party;
  - (f) the name and address of the financial institution to be used by the third party for its advertising account;
  - (g) the names of the signing authorities for the advertising account;
  - (h) any additional information required by the Chief Electoral Officer concerning an advertising account.
- (b) in subsection (3) by adding “or political advertising expenses, as the case may be” after “election advertising expenses”;**
- (c) in subsection (5) by striking out “under this section” and substituting “in a register referred to in subsection (2)(a)”.**

- (e) *the names of the signing authorities for the advertising account;*
  - (f) *any additional information required by the Chief Electoral Officer concerning an advertising account.*
- (3) *If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses.*
- (4) *The Chief Electoral Officer shall not register a third party if, in the Chief Electoral Officer's opinion,*
- (a) *the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of another registered third party, or of a candidate, political party or political organization that is active anywhere in Alberta, that confusion is likely, or*
  - (b) *the proposed name was the name of a registered party or registered third party whose registration was cancelled or whose name was changed since the last general election.*
- (5) *The following are not eligible to be registered under this section:*
- (a) *a corporation that does not carry on business in Alberta;*
  - (b) *a person who is not ordinarily resident in Alberta;*
  - (c) *a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;*
  - (d) *a group where any member of the group is ineligible under clause (a), (b) or (c);*
  - (e) *a registered charity;*
  - (f) *a prohibited corporation.*
- (6) *The Chief Electoral Officer shall, as soon as possible after receiving an application,*
- (a) *determine whether the requirements set out in this section are met,*

**10 Section 9.2 is repealed and the following is substituted:**

**Leadership contest and contestants**

**9.2(1)** Before a leadership contest is held by a registered party, the chief financial officer of the registered party shall file with the Chief Electoral Officer a statement, in the form and manner approved by the Chief Electoral Officer, setting out the particulars of the leadership contest, including

- (a) the date of the official call of the leadership contest,
- (b) the date fixed for the leadership vote or votes, and
- (c) if a fee or deposit is required to be paid by a person as a condition of entering the leadership contest, the estimated cost for holding the leadership contest and the amount of the fee or deposit.

**(2)** If a fee or deposit is required to be paid as a condition of entering the leadership contest, the amount of the fee or deposit must be reasonable in relation to the cost of holding the leadership contest.

**(3)** If the Chief Electoral Officer is of the opinion that the amount of the fee or deposit is not reasonable, the registered party shall reduce the amount to an amount acceptable to the Chief Electoral Officer or comply with any direction of the Chief Electoral Officer.

(b) *notify the persons who signed the application whether the applicant is accepted for registration, and*

(c) *in the case of a refusal to register, give reasons for the refusal.*

*(7) When there is any change in the information required to be provided under this section, the registered third party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of candidates accordingly.*

*(8) A notice under subsection (7) may be sent by fax or electronic mail.*

**10** Section 9.2 presently reads:

*9.2(1) The chief financial officer of a registered party that proposes to hold a leadership contest shall promptly file with the Chief Electoral Officer a statement setting out the date of the official call of the leadership contest and the date fixed for the leadership vote or votes and shall submit to the Chief Electoral Officer an application for each leadership contestant setting out*

*(a) the full name and contact information of the leadership contestant,*

*(b) the addresses of the place or places where records of the leadership contestant are maintained and of the place to which communications may be addressed,*

*(c) the name of the chief financial officer of the leadership contestant,*

*(d) the names and addresses of the financial institutions to be used by or on behalf of the leadership contestant as depositories for contributions made to that leadership contestant,*

*(e) the names of the signing authorities for each depository referred to in clause (d), and*

*(f) the date the person became a leadership contestant.*

**(4)** A person who intends to seek the leadership of a registered party shall file an application for registration with the Chief Electoral Officer under this section at the earliest of the following:

- (a) when the person has announced his or her intention to seek the leadership of a registered party;
- (b) when the person has incurred campaign expenses in relation to the person's leadership campaign;
- (c) when the person has received contributions in relation to the person's leadership campaign.

**(5)** A person who fails to file an application for registration as required under subsection (4) shall not incur a campaign expense or accept a contribution during the campaign period for the leadership contest.

**(6)** The application for registration must set out

- (a) the full name and contact information of the leadership contestant,
- (b) the addresses of the place or places where records of the leadership contestant are maintained and of the place to which communications may be addressed,
- (c) the name and contact information of the chief financial officer of the leadership contestant,
- (d) the name and address of the financial institution where an account has been opened to be used by or on behalf of the leadership contestant for the purpose of participating in the leadership contest,
- (e) the names of the signing authorities for the account referred to in clause (d), and
- (f) the date the person first received contributions or incurred campaign expenses for the purpose of participating in the leadership contest.

**(7)** The Chief Electoral Officer shall maintain a register of leadership contestants.

*(2) No leadership contestant and no person acting on behalf of a leadership contestant may, during the campaign period,*

*(a) accept contributions, or*

*(b) use any funds, including the funds of the leadership contestant,*

*unless the leadership contestant is registered under this Act.*

*(3) The Chief Electoral Officer shall maintain a register of leadership contestants in relation to the leadership contest and, subject to this section, shall register in it any leadership contestant whose name has been submitted under subsection (1).*

*(4) When there is any change in the information required to be provided under subsection (1), the registered leadership contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of leadership contestants accordingly.*

*(5) Notice under subsection (4) may be sent by fax or electronic mail.*

(8) When there is any change in the information required to be provided under subsection (6), the registered leadership contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of leadership contestants accordingly.

(9) Notice under subsection (8) may be sent by fax or electronic mail.

(10) Within 10 days of the conclusion of a leadership contest, the registered party shall submit to the Chief Electoral Officer a statement setting out the full names of the leadership contestants who were considered for leadership of the registered party, the full name of the person selected as the leader and the names of any persons who withdrew as leadership contestants.

(11) This section applies with respect to a leadership contest that commences after this section comes into force.

#### **Nomination contests and contestants**

**9.3(1)** Before a nomination contest is held by a registered party or registered constituency association, the chief financial officer of the registered party or registered constituency association shall file with the Chief Electoral Officer a statement, in the form and manner approved by the Chief Electoral Officer, setting out the particulars of the nomination contest, including

- (a) the date of the official call of the nomination contest,
- (b) the date fixed for the selection of the person for endorsement as the official candidate of the registered party for an electoral division, and
- (c) if a fee or deposit is required to be paid by a person as a condition of entering the nomination contest, the estimated cost for holding the nomination contest and the amount of the fee or deposit.

(2) If a fee or deposit is required to be paid as a condition of entering the nomination contest, the amount of the fee or deposit must be reasonable in relation to the cost of holding the nomination contest.



**(3)** If the Chief Electoral Officer is of the opinion that the amount of the fee or deposit is not reasonable, the registered party shall reduce the amount to an amount acceptable to the Chief Electoral Officer or comply with any direction of the Chief Electoral Officer.

**(4)** A person who intends to seek endorsement as the official candidate of a registered party in an electoral division shall file an application for registration with the Chief Electoral Officer under this section at the earliest of the following:

- (a) when the person has announced his or her intention to seek the endorsement as the official candidate of the registered party for the electoral division;
- (b) when the person has incurred campaign expenses in relation to the person's nomination campaign;
- (c) when the person has received contributions in relation to the person's nomination campaign.

**(5)** A person who fails to file an application for registration as required under subsection (4) shall not accept a contribution or incur a campaign expense during the campaign period for the nomination contest.

**(6)** The application for registration must set out

- (a) the full name and contact information of the nomination contestant,
- (b) the addresses of the place or places where records of the nomination contestant are maintained and of the place to which communications may be addressed,
- (c) the name and contact information of the chief financial officer of the nomination contestant,
- (d) the name and address of the financial institution where an account has been opened to be used by or on behalf of the nomination contestant for the purpose of participating in the nomination contest,
- (e) the names of the signing authorities for the account referred to in clause (d), and



(f) the date the person first received contributions or incurred expenses for the purpose of participating in the nomination contest.

(7) The Chief Electoral Officer shall maintain a register of nomination contestants.

(8) When there is any change in the information required to be provided under subsection (6), the registered nomination contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of nomination contestants accordingly.

(9) Notice under subsection (8) may be sent by fax or electronic mail.

(10) Within 10 days of the conclusion of a nomination contest, the registered party or registered constituency association shall submit to the Chief Electoral Officer a statement setting out the full names of the nomination contestants who were considered for endorsement, the full name of the person selected for endorsement as the official candidate of the registered party for the electoral division and the names of any persons who withdrew as nomination contestants.

## **11 Section 10 is amended**

**(a) by adding the following after subsection (2.1):**

**(2.2)** If a registered nomination contestant withdraws from a nomination contest, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person as a nomination contestant.

**(b) in subsection (3) by striking out “42” and substituting “32, 42”;**

**(c) by repealing subsection (4.1) and substituting the following:**

**(4.1)** If the chief financial officer of a third party fails to file a report under section 44.81 or 44.82, an election advertising

**11** Section 10 presently reads:

*10(1) The Chief Electoral Officer may cancel the registration of*

- (a) a registered party on application by the registered party,*
- (b) a registered constituency association on application by the registered party concerned or by the independent member, as the case may be, or*
- (c) a registered third party on application by the third party.*

*(1.1) If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the Senatorial Selection Act.*

return or report under section 44.9 or an audited financial statement under section 44.91, the Chief Electoral Officer may cancel the registration of the third party.

- (d) in subsection (5) by adding** “registered nomination contestant,” **after** “registered candidate,” **wherever it occurs;**
- (e) in subsection (6)**
  - (i) by adding** “nomination contestant,” **after** “candidate,”;
  - (ii) by striking out “or” at the end of clause (d) and by adding the following after clause (d):**
    - (d.1) the nomination contestant and the registered party and registered constituency association concerned when the registration of that nomination contestant is cancelled, or
- (f) in subsections (7) and (8) by adding** “nomination contestant,” **after** “candidate,”;
- (g) in subsection (9)**
  - (i) by adding** “nomination contestant,” **after** “association, candidate,”;
  - (ii) in clause (c) by adding** “and registered party, if any” **after** “decision to the candidate”;
  - (iii) by striking out “or” at the end of clause (c) and by repealing clause (c.1) and substituting the following:**
    - (c.1) if the cancellation involves a nomination contestant, give written notification of the Chief Electoral Officer’s decision to the nomination contestant and the registered party and registered constituency association concerned,
    - (c.2) if the cancellation involves a leadership contestant, give written notification of the Chief Electoral Officer’s decision to the leadership contestant and the registered party concerned, or

(2) *If*

- (a) *a registered candidate who was nominated in accordance with the Election Act or the Senatorial Selection Act withdraws the candidate's candidacy in accordance with that Act, or*
- (b) *a person who becomes a registered candidate before becoming nominated in accordance with the Election Act or the Senatorial Selection Act does not in fact become so nominated,*

*that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.*

*(2.1) If a registered leadership contestant withdraws from the leadership contest, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.*

*(3) If the chief financial officer of a registered party or registered constituency association fails to comply with section 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party or constituency association, as the case may be.*

*(4) If a constituency association or a person acting for the constituency association accepts contributions in respect of an election under the Senatorial Selection Act, the Chief Electoral Officer may cancel the registration of the constituency association.*

*(4.1) If the chief financial officer of a third party fails to file an election advertising report under section 44.9 or 44.92, the Chief Electoral Officer may cancel the registration of the third party.*

*(5) If the Chief Electoral Officer is for any reason of the opinion that a registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party*

- (a) is no longer qualified to be registered, or*
- (b) obtained registration on the basis of an application that was false in any material particular,*

**(h) by repealing subsection (11) and substituting the following:**

**(11)** When the registration of a political party or constituency association is cancelled under subsection (3) for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or the campaign return required by section 43, as the case may be, that was not filed has been filed with the Chief Electoral Officer and the late filing fee has been paid in accordance with section 43.2.

**(i) in subsection (11.1) by adding “financial” before “statement”;**

**(j) in subsection (12) by striking out “or candidate” wherever it occurs and substituting “, candidate, nomination contestant or leadership contestant”;**

**(k) by repealing subsection (13) substituting the following:**

**(13)** When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 44.92.

*the Chief Electoral Officer may cancel the registration of the registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party.*

*(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association, candidate, leadership contestant or third party, the Chief Electoral Officer shall send written notice of the cancellation, together with the Chief Electoral Officer's reasons for the cancellation, by recorded mail to*

- (a) the political party, when the registration of that political party is cancelled,*
- (b) the constituency association and the political party concerned or the independent member, as the case may be, when the registration of that constituency association is cancelled,*
- (c) the candidate and the political party concerned, if any, when the registration of that candidate is cancelled,*
- (d) the third party, when the registration of that third party is cancelled, or*
- (e) the leadership contestant and the political party concerned when the registration of that leadership contestant is cancelled,*

*and the cancellation is effective on and after the 3rd day following the date of mailing the notice.*

*(7) A political party, constituency association, candidate, leadership contestant or third party notified under subsection (6) may, within 30 days after the mailing of the notice, request the Chief Electoral Officer in writing to review the cancellation.*

*(8) When the Chief Electoral Officer receives a written request under subsection (7), the Chief Electoral Officer shall, within 48 hours after that receipt, review the cancellation and give the political party, constituency association, candidate, leadership contestant or third party concerned an opportunity to make representations.*

*(9) Following the review of a cancellation, the Chief Electoral Officer may withdraw or confirm the cancellation of the registration*



*of the political party, constituency association, candidate, leadership contestant or third party, as the case may be, and shall,*

- (a) if the cancellation involves a political party, give written notification of the Chief Electoral Officer's decision to the political party,*
- (b) if the cancellation involves a constituency association, give written notification of the Chief Electoral Officer's decision to the constituency association and the political party concerned,*
- (c) if the cancellation involves a candidate, give written notification of the Chief Electoral Officer's decision to the candidate, or*
- (c.1) if the cancellation involves a leadership contestant, give written notification of the Chief Electoral Officer's decision to the leadership contestant, or*
- (d) if the cancellation involves a third party, give written notification of the Chief Electoral Officer's decision to the third party.*

*(10) When the registration of a political party is cancelled, the registration of the registered constituency associations of that political party is accordingly also cancelled and the Chief Electoral Officer shall forthwith give written notification of the cancellations to those constituency associations.*

*(11) When the registration of a political party or constituency association is cancelled for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or 43 that were not filed have been filed with the Chief Electoral Officer.*

*(11.1) For the purpose of subsection (11), a political party may file the statement on behalf of its constituency association.*

*(12) When the registration of a political party, constituency association or candidate is cancelled, all funds of the political party, constituency association or candidate not required to pay the outstanding debts of the political party, constituency association or candidate shall be paid over to the Chief Electoral Officer and held by the Chief Electoral Officer in trust for the political party,*

**12 Section 10.1 is amended**

- (a) **by adding** “registered nomination contestant,” **after** “registered candidate,” **wherever it occurs**;
- (b) **by adding** “, returns or reports” **after** “financial statements”.

**13 Section 11(2) is repealed and the following is substituted:**

(2) Notwithstanding subsection (1), the home address of a registered candidate included in the register under section 9, of a registered leadership contestant included in the register under section 9.2 or of a registered nomination contestant included in the register under section 9.3 is not public information.

**14 The following is added after section 12:**

*constituency association or candidate and, if that political party, constituency association or candidate does not again become registered under this Act within a period of one year following cancellation of the registration, the funds shall be paid into the General Revenue Fund.*

*(13) When the registration of a third party is cancelled, all funds in the third party advertising account not required to pay for third party election advertising expenses must be dealt with in accordance with section 44.92 as if they were a surplus referred to in that section.*

**12** Section 10.1 presently reads:

*10.1 A registered party, registered constituency association, registered candidate, registered leadership contestant and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party for a period of 3 years following the date on which the financial statements required under this Act for the period to which the records relate are required to be filed.*

**13** Section 11 presently reads:

*11(1) All documents required to be filed with the Chief Electoral Officer under this Act are public records and may on request during normal office hours be inspected at the offices of the Chief Electoral Officer.*

*(2) Notwithstanding subsection (1), the home address of a registered candidate included in the register under section 9 or of a registered leadership contestant included in the register under section 9.2 is not public information.*

*(3) Copies of any document referred to in subsection (1) may be obtained on payment for the preparation of the copies at the rates that the Chief Electoral Officer determines.*

**14** Surpluses — nomination contestants; Surpluses — leadership contestants.

**Surpluses — nomination contestants**

**12.1(1)** Any campaign funds held by a nomination contestant at the end of a campaign period for the nomination contest must,

- (a) if the nomination contestant is selected for endorsement as the official candidate of the registered party,
  - (i) be held by the nomination contestant to be expended for his or her candidacy in the election, or
  - (ii) be transferred to the registered party or registered constituency association for which the nomination contestant sought endorsement,

or

- (b) if the nomination contestant is not selected, at the option of the nomination contestant, at the time the nomination contestant campaign return is required to be filed under section 43.01,
  - (i) be transferred to the registered party or registered constituency association for which the nomination contestant sought endorsement, or
  - (ii) be returned to the contributors who contributed to the nomination contestant's campaign in accordance with the directions of the Chief Electoral Officer.

**(2)** A nomination contestant who has not complied with subsection (1)(b) within 30 days after the day on which the nomination contestant campaign return is required to be filed under section 43.01 must immediately pay those funds to the Chief Electoral Officer for deposit in the General Revenue Fund.

**Surpluses — leadership contestants**

**12.2(1)** Any campaign funds held by a leadership contestant at the end of a campaign period for the leadership contest must, at the time the leadership contestant campaign return is required to be filed under section 43.02, at the option of the leadership contestant,



- (a) be transferred to the registered party of which the leadership contestant sought the leadership, or
- (b) be returned to the contributors who contributed to the leadership contestant's campaign in accordance with the directions of the Chief Electoral Officer.

**(2)** A leadership contestant who has not complied with subsection (1) within 30 days after the day on which the leadership contestant campaign return is required to be filed under section 43.02 must immediately pay those funds to the Chief Electoral Officer for deposit in the General Revenue Fund.

**(3)** Notwithstanding subsections (1) and (2), for the purposes of any leadership contests occurring when this section comes into force, any campaign funds held by a leadership contestant at the end of a campaign period for the leadership contest must be returned to the contributors in accordance with the directions of the Chief Electoral Officer.

**15 Section 13 is amended**

**(a) in subsection (2)**

**(i) by striking out** "Money or goods" **and substituting** "Money, goods or services, or the use of goods or services,";

**(ii) by striking out** "donor" **and substituting** "person";

**(b) by adding the following after subsection (2):**

**(3)** A fee or deposit required to be paid by a person to enter a nomination contest or a leadership contest is not a contribution for the purposes of this Act but must be recorded as to amount and source by the registered party or registered constituency association that receives the funds.

**16 Section 14(1) and (2) are amended by striking out** "or registered candidate" **and substituting** ", registered candidate, registered nomination contestant or registered leadership contestant".

**15** Section 13(2) presently reads:

*(2) Money or goods provided by any person that do not exceed \$50 in the aggregate are not a contribution for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the donor specifically requests that the amount be considered a contribution.*

**16** Section 14 presently reads:

**17 Section 15.1 is amended by striking out “of a limit” and substituting “of the limit”.**

**18 Section 16 is amended by adding “, registered nomination contestant, registered leadership contestant” after “registered constituency association” wherever it occurs.**

**19 Section 17 is repealed and the following is substituted:**

**Limitation on contributions**

**17(1)** Contributions by a person ordinarily resident in Alberta shall not exceed in any year \$4000, as adjusted in accordance with section 41.5, in the aggregate to any of the following or to any combination of them:

- (a) a registered party;
- (b) a registered constituency association;
- (c) a registered candidate;

*14(1) All financial contributions accepted by or on behalf of a registered party, registered constituency association or registered candidate shall be paid into an appropriate depository on record with the Chief Electoral Officer.*

*(2) When any contribution of other than money, accepted by or on behalf of a registered party, registered constituency association or registered candidate, is converted at any time into money, that amount shall be paid into an appropriate depository on record with the Chief Electoral Officer.*

**17** Section 15.1 presently reads:

*15.1 A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of a limit prescribed by section 17(1) or 18(1).*

**18** Section 16 presently reads:

*16(1) Only a person ordinarily resident in Alberta may make a contribution to a registered party, registered constituency association or registered candidate.*

*(2) A prohibited person or entity shall not make a contribution to a registered party, registered constituency association or registered candidate.*

**19** Section 17 presently reads:

*17(0.1) This section does not apply to an election under the Senatorial Selection Act.*

*(1) Contributions by a person ordinarily resident in Alberta shall not exceed*

*(a) in any year,*

*(i) \$15 000 to each registered party, and*

(d) a registered nomination contestant;

(e) a registered leadership contestant.

**(2)** Contributions may be made to a registered constituency association at any time except during a campaign period for an election in that electoral division.

**(3)** No contributions may be made to a registered candidate except during a campaign period for an election.

**(4)** No contributions may be made to a registered nomination contestant except during the campaign period for the nomination contest.

**(5)** No contributions may be made to a registered leadership contestant except during the campaign period for the leadership contest.

**(6)** Any money paid during a campaign period out of the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds for the purposes of the campaign for which the person is not reimbursed from the person's campaign account

(a) is a contribution for the purposes of this Act, and

(b) must be paid into the account of the registered candidate, registered nomination contestant or registered leadership contestant on record with the Chief Electoral Officer.

**(7)** Subject to this section, a registered candidate, registered nomination contestant or registered leadership contestant may lawfully contribute to the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign an amount from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds.

**(8)** If the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign expenses paid from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds exceed the maximum limit allowed for a contributor, the excess amount must be reimbursed to the registered

(ii) \$1000 to any registered constituency association, and \$5000 in the aggregate to the registered constituency associations of each registered party,

and

(b) in any campaign period,

(i) \$30 000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and

(ii) \$2000 to any registered candidate, and \$10 000 in the aggregate to the registered candidates of each registered party.

(2) If writs for 2 or more by-elections bear the same date and provide for the same polling day, all the by-elections are deemed to be one election for the purposes of subsection (1)(b).

(3) Contributions may be made to a registered constituency association at any time except during a campaign period.

(4) No contributions may be made to a candidate except during a campaign period.

(5) Any money paid during a campaign period by a candidate out of the candidate's personal funds for the purposes of the candidate's campaign for which the candidate is not reimbursed from the candidate's campaign account

(a) is a contribution for the purposes of this Act, and

(b) shall be paid into a depository of the candidate on record with the Chief Electoral Officer.

candidate, registered nomination contestant or registered leadership contestant from the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign account, as the case may be.

(9) Subsection (1) does not apply with respect to contributions made to and accepted by a leadership contestant while participating in any leadership contest occurring when this section comes into force.

**20 Section 19 is repealed and the following is substituted:**

**Excessive contributions**

**19(1)** No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant and no person acting on its, his or her behalf shall accept a contribution if the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant or person knows or ought to know that the amount of the contribution would exceed the limit prescribed by section 17.

(2) A chief financial officer who learns that a contribution in excess of the limit prescribed by section 17 was accepted by or on behalf of the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant for whom the chief financial officer acts shall, within 30 days after learning of the excessive contribution, advise the Chief Electoral Officer in writing of the fact and circumstances and return the contribution in accordance with the directions of the Chief Electoral Officer.

**21 Section 21.1(1) is amended by striking out “or registered candidate” wherever it occurs and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”.**

**20** Section 19 presently reads:

*19(1) No registered party, registered constituency association or registered candidate and no person acting on behalf of a registered party, registered constituency association or registered candidate shall accept a contribution if the registered party, registered constituency association, registered candidate or person knows or ought to know that the amount would exceed the limits imposed by section 17.*

*(2) If the chief financial officer learns that a contribution was accepted by or on behalf of the registered party, registered constituency association or registered candidate for whom the chief financial officer acts in excess of the limits imposed by section 17, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.*

**21** Section 21.1(1) presently reads:

*21.1(1) Any anonymous contribution in excess of \$50 and any contribution or portion of a contribution made in contravention of this Act accepted by a registered party, registered constituency association or registered candidate must not be used or expended, and the registered party, registered constituency association or registered candidate*

**22 Section 22 is amended**

(a) **in subsection (1) by striking out** “or registered candidate” **and substituting** “, registered candidate, registered nomination contestant or registered leadership contestant”;

(b) **by repealing subsection (2) and substituting the following:**

(2) If any real property, goods or services, or the use of real property, goods or services, is provided to or for the benefit of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant for a price that is less than the market value at that time, the amount by which the value exceeds the price is a contribution for the purposes of this Act.

**23 Section 23 is amended by striking out** “or registered candidate” **wherever it occurs and substituting** “, registered candidate, registered nomination contestant or registered leadership contestant”.

- (a) *shall return the contribution to the contributor if the contributor's identity can be established, or*
- (b) *if the contributor's identity cannot be established, shall pay an amount equivalent to the contribution to the Chief Electoral Officer.*

**22** Section 22 presently reads:

*22(1) The value of contributions other than money provided to a registered party, registered constituency association or registered candidate is the market value of the contribution at that time.*

*(2) If any real property or goods or the use of real property or goods is provided to a political party, constituency association or candidate registered under this Act for a price that is less than the market value at that time, the amount by which the value exceeds the price is a contribution for the purposes of this Act.*

**23** Section 23 presently reads:

*23(1) In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the registered party, registered constituency association or registered candidate by whom or on whose behalf the function is held.*

*(2) The gross income from any fund-raising function must be recorded by the chief financial officer of the registered party, registered constituency association or registered candidate that held the function or on whose behalf the function was held.*

*(3) If a fund-raising function is held by the sale of tickets by or on behalf of a registered party, registered constituency association or registered candidate, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the registered party, registered constituency association or registered candidate:*

- (a) *if the individual charge*
  - (i) *is \$50 or less, it is not considered to be a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the*

**24 Section 24 is amended**

- (a) **by striking out** “or registered constituency association” **and substituting** “, registered constituency association, registered nomination contestant or registered leadership contestant”;
- (b) **by striking out** “political party or constituency association” **and substituting** “political party, constituency association, nomination contestant or leadership contestant”.

**25 Section 29 is amended**

- (a) **in subsection (1)**
  - (i) **by striking out** “and candidate” **and substituting** “, candidate, nomination contestant and leadership contestant”;
  - (ii) **by striking out** “its application” **and substituting** “an application”;

*amount is allowed for expenses and 1/2 is considered to be a contribution,*

*(ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and*

*(iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;*

*(b) the amount of the contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.*

*(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be a contribution to the registered party, registered constituency association or registered candidate, as the case may be.*

**24** Section 24 presently reads:

*24 When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party or registered constituency association, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party or constituency association, as the case may be.*

**25** Section 29 presently reads in part:

*29(1) Every political party, constituency association and candidate shall, before filing its application for registration with the Chief Electoral Officer, appoint a chief financial officer.*

*(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.*

- (b) in subsection (2) by striking out “or candidate” and substituting “, candidate, nomination contestant or leadership contestant”;**
- (c) in subsection (4)(d)(ii) by striking out “financial statement” and substituting “campaign return”.**

**26 Section 30 is amended**

- (a) in subsection (1)**
  - (i) by striking out “or registered candidate” and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”;**
  - (ii) by striking out “or candidate” and substituting “, candidate, nomination contestant or leadership contestant”;**
  - (iii) in clause (b) by striking out “a depository” and substituting “an account”;**
  - (iv) by adding the following after clause (c):**

*(4) A person is prohibited from being a chief financial officer under this Act for a registered party, registered constituency association, registered candidate or registered third party if*

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1),*
- (b) that person was the chief financial officer of the registered candidate referred to in the report,*
- (c) the Court did not dispense with compliance with section 43(2) or 43.1, as the case may be, by an order under section 44(3), and*
- (d) the date the person seeks to be a chief financial officer under this Act occurs within*
  - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or*
  - (ii) where the financial statement has been filed with the Chief Electoral Officer in the case of a non-compliance with section 43(2) or 43.1, as the case may be, the 5-year period following the day of filing,*

*whichever period expires first.*

**26** Section 30 presently reads:

*30(1) The chief financial officer of a registered party, registered constituency association or registered candidate is responsible, with respect to the affairs of the party, constituency association or candidate that appointed the chief financial officer, for ensuring that*

- (a) proper records are kept of all revenue, expenses, assets and liabilities, as required for the purposes of this Act,*
- (b) contributions are placed in a depository on record with the Chief Electoral Officer,*
- (c) proper receipts are completed and dealt with in accordance with this Act,*

(c.1) every payment of more than \$25 made by the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant or through the chief financial officer is vouched for by

(i) a document from the supplier that states the particulars of the expense, and

(ii) a receipt or other proof of payment acceptable to the Chief Electoral Officer;

**(v) by repealing clause (d) and substituting the following:**

(d) the financial statements, returns and reports required to be filed under this Act are filed with the Chief Electoral Officer, and

**(b) in subsection (2) by striking out “or registered candidate” and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”.**

#### **27 Section 31 is amended**

**(a) by adding “, registered nomination contestant or registered leadership contestant” after “registered candidate”;**

**(b) by adding “, nomination contestant’s or leadership contestant’s” after “candidate’s”.**

#### **28 Section 32 is amended**

**(a) in subsection (1) by striking out “or registered candidate” and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”;**

**(b) in subsection (2) by striking out “or registered candidate” and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”;**

**(c) by repealing subsection (3) and substituting the following:**

(d) *the financial statements as required by sections 42 and 43 are filed with the Chief Electoral Officer in accordance with this Act, and*

(e) *contributions of other than money are valued and recorded in accordance with this Act.*

(2) *The chief financial officer of a registered party, registered constituency association or registered candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.*

**27** Section 31 presently reads:

*31 No contribution shall be accepted by a registered candidate otherwise than through the candidate's chief financial officer.*

**28** Section 32 presently reads in part:

*32(1) When any person accepts contributions in any year on behalf of a registered party, registered constituency association or registered candidate, the chief financial officer shall record all the contributions, including the names and the addresses of the contributors and the dates on which the contributions were made.*

*(2) All contributions referred to in subsection (1) accepted on behalf of a registered party or registered candidate during a campaign period shall be recorded separately from other contributions accepted during that year.*

**(3)** Every registered party and registered constituency association shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer,

- (a) within 15 days after the end of each quarter of each year a return setting out
  - (i) the total amount of all contributions received during the quarter that did not exceed \$50 in the aggregate from any single contributor, and
  - (ii) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the quarter exceeded an aggregate of \$50,

and

- (b) within the period during which an annual financial statement must be filed under section 42, a return setting out for the previous year
  - (i) the total amount of all contributions received that did not exceed \$50 in the aggregate from any single contributor, and
  - (ii) the total amount contributed that, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$50,

but in the case of a registered party returns under clauses (a) and (b) shall not include the information relating to contributions made during the campaign period.

**(3.1)** Subject to subsection (4.1), the name of a contributor referred to in subsection (3)(a)(ii) and (b)(ii) who did not contribute more than \$250 in a quarter shall not be disclosed in a statement published on the Chief Electoral Officer's website under section 4(1)(e).

**(d) in subsection (4)**

- (i) **by striking out** "financial statement" **and substituting** "campaign return";

*(3) Every registered party and registered constituency association shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer,*

*(a) within 15 days after the end of each quarter of each year a return setting out*

*(i) the total amount of all contributions received during the quarter that did not exceed \$250 in the aggregate from any single contributor, and*

*(ii) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the quarter exceeded an aggregate of \$250,*

*and*

*(b) within the period during which an annual financial statement must be filed under section 42, a return setting out for the previous year*

*(i) the total amount of all contributions received that did not exceed \$250 in the aggregate from any single contributor, and*

*(ii) the total amount contributed that, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$250,*

*but in the case of a registered party returns under clauses (a) and (b) shall not include the information relating to contributions made during the period commencing the day a writ of election is issued and concluding at the end of polling day.*

*(4) Every registered party and registered candidate shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within the period during which a financial statement must be filed relating to a campaign period under section 43, a return setting out*

*(a) the total amount of all contributions received during the campaign period that did not exceed \$250 in the aggregate from any single contributor, and*

(ii) **by striking out** “a return” **and substituting** “a report”;

(e) **by adding the following after subsection (4):**

(4.1) A report under subsection (3)(a) for the 2nd, 3rd and final quarters must also include the total amounts contributed by a contributor when the contributions of that contributor exceeded \$250 in the aggregate on a year-to-date basis, together with the contributor’s name and address.

(4.2) Every registered nomination contestant shall file with the Chief Electoral Officer a report setting out, in the form and manner approved by the Chief Electoral Officer,

- (a) the total amount of all contributions received during the campaign period for the nomination contest that did not exceed \$250 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor’s name and address, when the contribution of that contributor during the campaign period for the nomination contest exceeded \$250 in the aggregate.

(4.3) Every registered leadership contestant shall file with the Chief Electoral Officer a report setting out, in the form and manner approved by the Chief Electoral Officer,

- (a) the total amount of all contributions received during the campaign period for the leadership contest that did not exceed \$250 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor’s name and address, when the contribution of that contributor during the campaign period for the leadership contest exceeded \$250 in the aggregate.

(f) **in subsection (5) by striking out** “returns” **and substituting** “reports”.

*(b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$250.*

*(5) Separate returns must be filed for contributions made in respect of an election under the Election Act and those made in respect of an election under the Senatorial Selection Act.*

**29 Section 33 is amended**

- (a) by striking out** “and registered candidate” **and substituting** “, registered candidate, registered nomination contestant and registered leadership contestant”;
- (b) by repealing clause (a) and substituting the following:**
  - (a) whether it has been issued in respect of an election, a nomination contest or a leadership contest,

**30 Section 34 is amended**

- (a) in subsections (1) and (1.1) by striking out** “or registered candidate” **wherever it occurs and substituting** “, registered candidate, registered nomination contestant or registered leadership contestant”;
- (b) by repealing subsection (2) and substituting the following:**
  - (2)** No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant and no person acting on behalf of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or person knows or ought to know that the contribution is contrary to subsection (1).
- (c) in subsection (3) by striking out** “or registered candidate” **and substituting** “, registered candidate, registered nomination contestant or registered leadership contestant”.

**29** Section 33 presently reads:

*33 Every registered party, registered constituency association and registered candidate shall issue a receipt in the form and manner approved by the Chief Electoral Officer for every contribution accepted, and the receipt must indicate*

- (a) whether it has been issued in respect of an election under the Election Act or an election under the Senatorial Selection Act,*
- (b) that the contributor acknowledges that the contribution is made in compliance with this Act, and*
- (c) where information about the making of contributions can be found.*

**30** Section 34 presently reads:

*34(1) No person shall contribute to a registered party, registered constituency association or registered candidate*

- (a) funds not actually belonging to that person, or*
- (b) funds that have been given or furnished to the person by another person or any prohibited person or entity for the purpose of making a contribution of those funds to that registered party, registered constituency association or registered candidate.*

*(1.1) No person and no prohibited person or entity shall give or furnish funds to another person for the purpose of having that other person make a contribution of those funds to a registered party, registered constituency association or registered candidate.*

*(2) No registered party, registered constituency association or registered candidate and no person acting on behalf of a registered party, registered constituency association or registered candidate shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate or person knows or ought to know that the contribution is contrary to subsection (1).*

**31 Section 35 is amended**

- (a) in subsection (1) by striking out “or registered candidate” wherever it occurs and substituting “, registered candidate, registered nomination contestant or registered leadership contestant”;**
- (b) in subsection (2) by striking out “or candidate” and substituting “, candidate, nomination contestant or leadership contestant”.**

**32 Section 36 is repealed and the following is substituted:**

**Funds from federal parties**

**36** No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant may accept funds from a federal political party, electoral district association or candidate registered under the *Canada Elections Act* (Canada) in respect of an election under the *Elections Act* or a nomination contest or leadership contest under this Act.

*(3) If the chief financial officer learns that a contribution received by or on behalf of the registered party, registered constituency association or registered candidate for whom the chief financial officer acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning that the contribution was made contrary to subsection (1), advise the Chief Electoral Officer in writing of the fact and circumstances.*

**31** Section 35 presently reads:

*35(1) No registered party, registered constituency association or registered candidate shall, directly or indirectly,*

- (a) solicit or accept a contribution if the registered party, registered constituency association or registered candidate knows or ought to know that the prospective contributor is a prohibited person or entity, or*
- (b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act.*

*(2) If the chief financial officer learns that a contribution from a prohibited person or entity was accepted by or on behalf of the political party, constituency association or candidate for whom the chief financial officer acts, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.*

**32** Section 36 presently reads:

*36 No registered party, registered constituency association or registered candidate may accept funds from a federal political party, electoral district association or registered candidate registered under the Canada Elections Act (Canada) in respect of an election under this Act.*

**33 Section 38 is repealed and the following is substituted:**

**Transfers within parties**

**38(1)** A registered party and any of its registered constituency associations and registered candidates may transfer to or accept from each other

- (a) funds or real property or the use of real property, or
- (b) debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1,

and the debts or the funds or real property, or the use of real property, so accepted shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and amount, and any funds accepted shall be deposited in an appropriate account on record with the Chief Electoral Officer.

**(2)** A registered party and any of its registered constituency associations, registered candidates, registered nomination contestants and registered leadership contestants may transfer to and accept from each other goods or services or the use of goods or services, and the goods or services or the use of goods or services so accepted shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and amount.

**(3)** A transfer under this section is not an election expense for the purpose of Part 5.1.

**34 Section 39.1 is repealed.**

**33** Section 38 presently reads:

*38 A registered party and any of its registered constituency associations or registered candidates may annually transfer to or accept from each other*

- (a) funds or real property or goods or the use of real property or goods, or*
- (b) debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1,*

*and the funds, real property or goods or the use of real property or goods, or the debts, so accepted by the registered party, registered constituency association or registered candidate shall not be considered as contributions for the purposes of this Act but shall be recorded as to source, and any funds accepted shall be deposited in an appropriate depository on record with the Chief Electoral Officer.*

**34** Section 39.1 presently reads:

*39.1 A candidate may lawfully contribute to the candidate's election campaign an amount from the candidate's personal funds to the limit prescribed for a contributor in section 17(1)(b)(ii) or 18(1)(b)(ii), as the case may be, and if the candidate's expenses paid from the candidate's personal funds exceed the maximum limit allowed for a contributor, the excess amount must be reimbursed to the candidate from the candidate's campaign account.*

**35 Part 5 is repealed and the following is substituted:**

## **Part 5 Loans and Guarantees**

### **Borrowing**

**40(1)** A registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant

- (a) may borrow money only from a financial institution other than a treasury branch, and
- (b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

**(2)** Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

**(3)** Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, sections 16, 17 and 35,

- (a) a contribution by that person, and
- (b) a contribution accepted by the borrower,

if the person is not reimbursed by the borrower before the borrower is next required to file the applicable financial statement or return.

**(4)** This section does not apply to the borrowing of money by a registered candidate, registered nomination contestant or registered leadership contestant for purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

**(5)** Any loan made under this section that is in effect on the coming into force of this section and that is secured by a guarantee or by the provision of collateral security under section 41

**35** Part 5 presently reads:

*Part 5*

*Loans*

*40(1) A registered party, registered constituency association or registered candidate*

- (a) may borrow money only from a financial institution other than a treasury branch, and*
- (b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.*

*(2) Only the following may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies:*

- (a) a person ordinarily resident in Alberta;*
- (b) a corporation that is not a prohibited corporation;*
- (c) an Alberta trade union;*
- (d) an Alberta employee organization.*

*(3) Any payment in respect of a loan to which subsection (1) applies made by a person or entity referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, sections 16, 17 and 35,*

- (a) a contribution by that person or entity, and*
- (b) a contribution accepted by the borrower,*

*if the person or entity is not reimbursed by the borrower before the borrower is next required to file a financial statement pursuant to section 42 or 43.*

*(4) This section does not apply to the borrowing of money by a registered candidate for purposes unrelated to the candidate's campaign.*

*(5) In subsections (6) and (8), "former Act" means the Election Finances and Contributions Disclosure Act as it read immediately before the coming into force of this subsection.*

- (a) by an Alberta trade union or an Alberta employee organization or by a corporation that is not a prohibited corporation, or
- (b) that exceeds the limit prescribed by section 17,

must be repaid or renegotiated in accordance with the timeline and terms developed under subsection (6) or (7), and no further advances on the loan shall be made on or after the coming into force of this section.

**(6)** The Chief Electoral Officer shall consult with the borrowers and the guarantors or providers of the collateral security in order to develop a reasonable timeline and terms for the repayment or renegotiation of the loan.

**(7)** Where the Chief Electoral Officer is of the opinion that an arrangement cannot be concluded in order to provide for the repayment or renegotiation of the loan, the borrower and the guarantor or the provider of a collateral security shall comply with any direction of the Chief Electoral Officer.

#### **Guarantees**

**41(1)** Only a person ordinarily resident in Alberta may sign, co-sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of any registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant.

**(2)** Only a person ordinarily resident in Alberta may make a payment on behalf of the guarantor or the provider of the collateral security to which subsection (1) applies.

**(3)** Subject to subsection (6), a guarantee or the providing of collateral security referred to in subsection (1) to a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall not exceed the limit prescribed by section 17.

**(4)** A guarantee made or the providing of collateral security under subsection (1) by a person in a year is a contribution for the purposes of section 17 for that year but is not a contribution for the purposes of section 33 of this Act or section 24 of the *Alberta Personal Income Tax Act* at the time of making the guarantee or providing the collateral security.

*(6) Notwithstanding subsections (2) and (3) but subject to subsection (8), with respect to a loan entered into before June 15, 2015 under section 40 of the former Act, a payment made by an entity referred to in subsection (2)(b), (c) or (d) on behalf of a borrower before December 31, 2015 that is not reimbursed by the borrower before the borrower is next required to file a financial statement pursuant to section 42 or 43 is a contribution by that entity, and*

*(a) that contribution is not a contravention of section 16(2) by that entity, and*

*(b) the registered party, registered constituency association or registered candidate is considered to have accepted the contribution in contravention of section 35(1)(a).*

*(7) In the case of a payment made on or after June 15, 2015, subsection (6)(a) applies only if the borrower is in default on the loan at the time of the payment.*

*(8) Subsection (6) does not apply in respect of a payment that was considered under section 40(2) of the former Act to be a contribution.*

*41(1) Only the following may sign, co-sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of any registered party, registered constituency association or registered candidate:*

*(a) a person ordinarily resident in Alberta;*

*(b) a corporation that is not a prohibited corporation;*

*(c) an Alberta trade union;*

*(d) an Alberta employee organization.*

*(2) Any payment required to be made on behalf of or in the interest of a registered party, registered constituency association or registered candidate by a person or entity acting under subsection (1) becomes, for the purposes of this Act, including, without limitation, sections 16, 17 and 35,*

*(a) a contribution by that person or entity, and*

*(b) a contribution accepted by the borrower,*

(5) A payment made by the guarantor is not a contribution for the purposes of section 17 but is a contribution for the purposes of section 33 and may be considered a contribution in respect of section 24 of the *Alberta Personal Income Tax Act* at the time of the payment.

(6) A registered candidate may sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of the registered party for which the registered candidate is the official candidate for amounts that in the aggregate do not exceed \$25 000 as adjusted in accordance with section 41.5, and a guarantee or collateral security provided under this subsection or a payment made by the registered candidate when acting on the guarantee or collateral security is not a contribution.

(7) Any payment made by a person other than a guarantor or borrower on behalf of or in the interest of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant becomes, for the purposes of this Act, including, without limitation, sections 16, 17 and 35,

(a) a contribution by that person, and

(b) a contribution accepted by the borrower,

if the person is not reimbursed by the borrower before the borrower is next required to file the applicable financial statement or return.

(8) A guarantee made or the providing of collateral security under subsection (1) in a year must be recorded by the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant, as the case may be, and the details of the guarantee or of the providing of the collateral security must be included in a financial statement under section 42 or a campaign return under sections 43 to 43.02, as applicable.

(9) This section does not apply to payments made on behalf of or in the interest of a registered candidate, registered nomination contestant or registered leadership contestant for

*if the person or entity is not reimbursed by the borrower before the borrower is next required to file a financial statement pursuant to section 42 or 43.*

*(3) This section does not apply to payments made on behalf of a registered candidate for purposes unrelated to the candidate's campaign.*

*(4) In subsections (5) and (6), "former Act" means the Election Finances and Contributions Disclosure Act as it read immediately before the coming into force of this section.*

*(5) Notwithstanding subsections (1) and (2) but subject to subsection (6), with respect to a guarantee given or security provided before June 15, 2015 under section 41 of the former Act, a payment made by an entity acting under subsection (1)(b), (c) or (d) before December 31, 2015 that is not reimbursed by the borrower before the borrower is next required to file a financial statement pursuant to section 42 or 43 is a contribution by that entity, and*

*(a) the contribution is not a contravention of section 16(2) by that entity, and*

*(b) the registered party, registered constituency association or registered candidate is considered to have accepted the contribution in contravention of section 35(1)(a).*

*(6) Subsection (5) does not apply in respect of a payment that was considered under section 41(2) of the former Act to be a contribution.*

purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

**36 The following is added after section 40:**

**Part 5.1  
Maximum Expense  
Limits**

**Election expenses**

**41.1(1)** In this Part, "election expense", subject to this Part, means any expense incurred, or non-monetary contribution received,

- (a) by a registered party, registered constituency association or registered candidate, to the extent that the real property, goods or services that the expense was incurred for, or that were received as a non-monetary contribution, are used to directly promote or oppose a registered party, its leader or a candidate during an election period;
- (b) by a nomination contestant, to the extent that the real property, goods or services that the expense was incurred for, or that were received as a non-monetary contribution, are used to directly promote or oppose a nomination contestant during a nomination contest.

**(2)** For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

**(3)** An election expense referred to in subsection (1) includes an expense incurred for, or a non-monetary contribution in relation to,

- (a) the production of advertising or promotional material,
- (b) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the election period, including by the use of a capital asset,

**36** Adds Part 5.1, Maximum Expense Limits, sections 41.1 to 41.5.

- (c) the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity,
- (d) securing a meeting space, or
- (e) the conduct of election surveys or other surveys or research during an election period.

(4) In this section, "expense incurred" means an expense that is incurred, whether it is paid or unpaid.

**Election expense limits — registered parties**

**41.2(1)** No registered party and no chief financial officer of a registered party shall incur election expenses in respect of a general election that exceed in the aggregate \$2 000 000 as adjusted under section 41.5.

(2) No registered party and no chief financial officer of a registered party shall incur election expenses in respect of a by-election for an electoral division that exceed in the aggregate \$23 000 as adjusted in accordance with section 41.5.

(3) The following expenses are not election expenses for the purposes of subsections (1) and (2):

- (a) audit and professional fees necessary for compliance with this Act by the registered party;
- (b) expenses incurred to hold a conference or convention of a registered party;
- (c) expenses incurred by a registered party to operate a permanent office, including the salaries and wages paid to permanent staff members working in the office during the election period;
- (d) reasonable incidental expenses incurred by or on behalf of volunteers.

(4) The chief financial officer of the registered party shall prepare an expense limit report for the purpose of a return required to be filed under section 43 relating to the election expenses incurred by the registered party in relation to the election period.



- (5) For the purposes of subsections (1) and (2),
- (a) an election expense incurred by a registered party on behalf of 2 or more registered candidates is an election expense incurred by the registered party, and
  - (b) an election expense incurred by a registered constituency association on behalf of its registered party is an election expense incurred by the registered party.

**Election expense limits - registered candidates**

**41.3(1)** No registered candidate and no chief financial officer of a registered candidate shall incur election expenses in respect of an election in an electoral division that exceed in the aggregate \$50 000 as adjusted in accordance with section 41.5.

- (2) The following expenses are not election expenses for the purposes of subsection (1):
- (a) a registered candidate's travel expenses reasonably related to the election, including meals and accommodation;
  - (b) a registered candidate's child care expenses;
  - (c) expenses relating to the provision of care for a person with a physical or mental incapacity for whom the registered candidate normally provides such care;
  - (d) in the case of a registered candidate who has a disability, additional expenses that are related to the disability;
  - (e) audit and professional fees necessary for compliance with this Act by the registered candidate;
  - (f) reasonable incidental expenses incurred by or on behalf of volunteers.
- (3) For the purposes of subsection (1),
- (a) an election expense incurred by a registered party on behalf of a specific registered candidate is an election expense incurred by the registered candidate, and



(b) an election expense incurred by a registered constituency association on behalf of a registered candidate is an election expense incurred by the registered candidate.

(4) The chief financial officer of the registered candidate shall prepare an expense limit report for the purpose of a return required to be filed under section 43 relating to the election expenses incurred by the registered candidate in relation to the election period.

**Limits on election expenses – nomination contestant**

**41.4(1)** No registered nomination contestant and no chief financial officer of a registered nomination contestant shall incur election expenses in respect of the nomination contest that exceed in the aggregate 20% of a registered candidate's spending limit for an election in that electoral division.

(2) The following expenses are not election expenses for the purposes of subsection (1):

- (a) travel expenses reasonably related to the nomination contestant, including meals and accommodation;
- (b) a registered nomination contestant's child care expenses;
- (c) expenses relating to the provision of care for a person with a physical or mental incapacity for whom the registered nomination contestant normally provides such care;
- (d) in the case of a registered nomination contestant who has a disability, additional expenses that are related to the disability;
- (e) audit and professional fees necessary for compliance with this Act by the registered nomination contestant;
- (f) reasonable incidental expenses incurred by or on behalf of volunteers.

(3) The chief financial officer of the registered nomination contestant shall prepare an expense limit report for the purpose of a return required to be filed under section 43.01 relating to the election expenses incurred by the registered nomination contestant in relation to the nomination contest.



### **Inflation adjustment/Indexing**

**41.5(1)** In this section, “consumer price index” means the “All-items” Consumer Price Index for Alberta as published monthly by Statistics Canada.

**(2)** Effective January 1 after polling day of the first general election following the coming into force of this section, the Chief Electoral Officer shall adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase, if any, to the consumer price index for the period beginning January 1, 2017 and ending on December 31 of the year in which the general election was held.

**(3)** After each subsequent general election, the Chief Electoral Officer shall further adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase, if any, to the consumer price index for the period beginning on the effective date of the prior adjustment and ending on December 31st of the year the general election was held.

**(4)** Amounts adjusted under this section shall be rounded to the nearest dollar.

**(5)** The effective date of an adjustment under subsection (3) is January 1 of the year following the general election.

**(6)** The amounts adjusted under this section shall be published on the Chief Electoral Officer’s website as soon as reasonably possible after January 1.

**37 Section 42(1)(a) is amended by striking out** “excluding revenue and expenses relating to an election during a campaign period” **and substituting** “excluding revenue and campaign expenses that relate to an election during a campaign period”.

**37** Section 42 presently reads in part:

*42(1) On or before March 31 of each year,*

*(a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, excluding revenue and expenses relating to an election during a campaign period, and*

**38 Section 43 is repealed and the following is substituted:**

**Filing of campaign return**

**43(1)** Subject to subsection (8), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a campaign return with respect to the campaign period, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4),
- (c) a campaign expense report setting out the campaign expenses incurred by the registered party,
- (d) an expense limit report referred to in section 41.2(4), and
- (e) any supporting information and documents relating to the campaign return.

**(2)** Subject to subsection (9), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a campaign return, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4),
- (c) a campaign expense report setting out the campaign expenses incurred by the registered candidate,
- (d) an expense limit report referred to in section 41.3(4), and
- (e) any supporting information and documents relating to the campaign return.

*(b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, including a nil return where applicable.*

**38** Section 43 presently reads:

*43(1) Subject to subsection (6) and section 44(3), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a financial statement setting out in the form and manner approved by the Chief Electoral Officer the revenue and expenses of the party for which the chief financial officer acts that relate to an election during the campaign period, including a nil return where applicable.*

*(2) Subject to subsection (7) and section 44(3), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a financial statement setting out, in the form and manner approved by the Chief Electoral Officer, assets of over \$1000 in the aggregate, liabilities, revenue and expenses, including expenses paid on behalf of the candidate by a registered party or a constituency association, during the campaign period or that relate to the campaign period.*

*(3) In relation to a by-election, subsection (1) applies only to registered parties that received contributions or made payments or transfers in relation to that by-election and subsection (2) applies only to registered candidates at that by-election.*

*(4) This section also applies to any registered candidate*

*(a) who withdraws the candidate's candidacy, or*

*(b) who, having been registered before becoming nominated, does not in fact become nominated,*

*with respect to the period during which the candidate is registered.*

*(5) An audited financial statement and a copy of the auditor's report shall accompany each financial statement of a registered party submitted pursuant to subsection (1).*

**(3)** The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the campaign returns referred to in subsections (1) and (2) and shall publish any guidelines on the Chief Electoral Officer's website.

**(4)** In relation to a by-election, subsection (1) applies only to registered parties that received contributions or made payments or transfers in relation to that by-election and subsection (2) applies only to registered candidates at that by-election.

**(5)** This section also applies to any registered candidate who withdraws the candidate's candidacy or is not nominated under the *Election Act*.

**(6)** Subject to subsection (7), an audited financial statement and a copy of the auditor's report shall accompany each financial statement of a registered party submitted pursuant to subsection (1).

**(7)** Unless otherwise directed by the Chief Electoral Officer, an audited financial statement is not required to accompany a financial statement filed under subsection (1) if the revenue and campaign expenses of the registered party do not each exceed \$1000, but a non-audited financial statement must be filed, including a nil return where applicable.

**(8)** If the polling day for a general election occurs within 6 months after the polling day for the previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 6-month period after the 2nd general election.

**(9)** If a by-election is held for an electoral division and the polling day for that by-election occurs within 4 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the by-election.

*(5.1) Unless otherwise directed by the Chief Electoral Officer, an audited financial statement is not required to accompany a financial statement filed under subsection (1) if the revenue and expenses of the registered party do not each exceed \$1000, but a non-audited financial statement must be filed, including a nil return where applicable.*

*(6) If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 6-month period after the 2nd general election.*

*(7) If an election is held to elect a member of the Legislative Assembly for an electoral division and the polling day for that election occurs within 4 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the 2nd election.*

*(8) If an election is held under the Senatorial Selection Act and the polling day for that election occurs within 4 months after the polling day for the previous election under the Senatorial Selection Act, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the 2nd election.*

*(9) A chief financial officer referred to in subsection (1) shall file separate financial statements relating to an election under the Election Act and an election under the Senatorial Selection Act.*

**39 The following is added after section 43:**

**Nomination contestant campaign return**

**43.01(1)** Within 4 months after the conclusion of a nomination contest, the chief financial officer of a registered nomination contestant shall file with the Chief Electoral Officer a nomination contestant campaign return, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4.2),
- (c) a campaign expense report setting out the campaign expenses incurred by the registered nomination contestant,
- (d) an expense limit report referred to in section 41.4(3), and
- (e) any supporting information and documents relating to the nomination campaign return.

**(2)** This section also applies to any registered nomination contestant who withdraws from the nomination contest.

**(3)** The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the nomination contestant campaign return and shall publish any guidelines on the Chief Electoral Officer's website.

**Leadership contestant campaign return**

**43.02(1)** Within 4 months after the date fixed for the leadership vote, the chief financial officer of a registered leadership contestant shall file with the Chief Electoral Officer a leadership contestant campaign return, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4.3),
- (c) a campaign expense report setting out the campaign expenses incurred by the registered leadership contestant, and
- (d) any supporting information and documents relating to the leadership campaign return.

**39** Nomination contestant campaign return; Leadership contestant campaign return.

(2) This section also applies to any registered leadership contestant who withdraws from the leadership contest.

(3) The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the leadership contestant campaign return and shall publish any guidelines on the Chief Electoral Officer's website.

**40 Section 43.1 is repealed and the following is substituted:**

**Campaign deficits**

**43.1(1)** In this section, "revenue" means the total of

- (a) contributions received by a registered candidate, registered nomination contestant or registered leadership contestant made in accordance with this Act,
- (b) other income, including fund-raising revenue and interest on deposits,
- (c) amounts transferred in accordance with this Act to a registered candidate by a registered party, a registered constituency association or another registered candidate, and
- (d) campaign funds held in trust under section 12(1).

(2) For the purpose of this section, a registered candidate, registered nomination contestant or registered leadership contestant has a campaign deficit if, at the end of the campaign period,

- (a) any liabilities relating to the campaign remain outstanding, or
- (b) campaign expenses exceed revenue.

(3) Where a registered candidate, registered nomination contestant or registered leadership contestant has a campaign deficit, the registered candidate, registered nomination contestant or registered leadership contestant shall eliminate the deficit within 3 months after the date that the campaign return is next required to be filed or such further period approved under subsection (4).

**40** Section 43.1 presently reads:

*43.1(1) In this section,*

- (a) “expenses” means the total amount of money spent and liabilities incurred by a registered candidate during or in relation to a campaign period, including expenses paid on behalf of a registered candidate by a registered party or registered constituency association;*
- (b) “revenue” means the total of*
  - (i) contributions received by a registered candidate made in accordance with this Act,*
  - (ii) other income, including fund-raising revenue and interest on deposits,*
  - (iii) amounts transferred in accordance with this Act to a registered candidate by a registered party, registered constituency association or other registered candidate, and*
  - (iv) campaign funds held in trust under section 12(1).*

*(2) For the purpose of this section, a registered candidate has a campaign deficit if, at the end of the campaign period,*

- (a) any liabilities relating to the candidate’s campaign remain outstanding, or*
- (b) expenses exceed revenue.*

*(3) Where a registered candidate has a campaign deficit, the candidate shall eliminate the deficit within 3 months after the date that the financial statement of the candidate is required to be filed*

(4) The Chief Electoral Officer may, on the request of a registered candidate, registered nomination contestant or registered leadership contestant or the registered candidate's, registered nomination contestant's or registered leadership contestant's chief financial officer received before the expiry of the 3-month period referred to in subsection (3), extend the 3-month period referred to in subsection (3) for a further period not exceeding 3 months.

(5) For the purpose of eliminating a campaign deficit,

(a) a registered candidate's, registered nomination contestant's or registered leadership contestant's chief financial officer may, notwithstanding section 17(4), accept contributions in accordance with this Act during the period referred to in subsection (3) or (4), as applicable, and

(b) a registered party or registered constituency association of the registered candidate may transfer funds to the candidate or may pay any outstanding liabilities.

(6) The chief financial officer of the registered candidate, registered nomination contestant or registered leadership contestant shall, within one month after the expiration of the period referred to in subsection (3) or (4), as applicable, file an amended campaign return showing any contributions accepted and any transfers received to eliminate the deficit.

**41 The following is added after section 43.1:**

**Late filing fee**

**43.2(1)** In this section, "filing deadline" means the day by which a financial statement referred to in section 42 is required to be filed with the Chief Electoral Officer or the date by which a return referred to in section 43, 43.01, 43.02 or 43.1 is required to be filed with the Chief Electoral Officer.

(2) A registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant that is required to file a financial statement under section 42 or a return under section 43, 43.01, 43.02 or 43.1, and fails to file that document by the

*under section 43(2) or such further period approved under subsection (4).*

*(4) The Chief Electoral Officer may, on the request of a registered candidate or the candidate's chief financial officer received before the expiry of the 3-month period referred to in subsection (3), extend the 3-month period referred to in subsection (3) for a further period not exceeding 3 months.*

*(5) For the purpose of eliminating a campaign deficit,*

*(a) a registered candidate may, notwithstanding section 17(4) or 18(5), accept contributions in accordance with this Act during the period referred to in subsection (3), and*

*(b) a registered party or registered constituency association of the registered candidate may transfer funds to the candidate or may pay any outstanding liabilities.*

*(6) The chief financial officer of the registered candidate shall, within one month after the expiration of the period referred to in subsection (3), file an amended financial statement showing any contributions accepted and any transfers received to eliminate the deficit.*

#### **41** Late filing fee.

filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

**(3)** The Chief Electoral Officer shall not cancel the registration of the registered party or registered constituency association under section 10(3) if the financial statement or return is filed in the case of a financial statement referred to in section 42 or a return referred to in section 43, no later than 30 days after the filing deadline.

**(4)** The Chief Electoral Officer shall not transmit a report in relation to a registered candidate, registered nomination contestant or registered leadership contestant under section 44(1) if the return is filed no later than 10 days after the filing deadline.

**(5)** The following persons are jointly and severally liable for payment of the fee referred to in subsection (2):

- (a) in the case of a registered party, the registered party and the chief financial officer of the registered party;
- (b) in the case of a registered constituency association, the registered constituency association and the chief financial officer of the registered constituency association;
- (c) in the case of a registered candidate, registered nomination contestant or registered leadership contestant, the registered candidate, registered nomination contestant or registered leadership contestant and the chief financial officer of the registered candidate, registered nomination contestant or registered leadership contestant.

**(6)** If the late filing fee is not paid within 30 days after the date the fee was payable, the Chief Electoral Officer shall send a notice to the persons referred to in subsection (5), as applicable, indicating the amount of the late filing fee that is required to be paid.

**(7)** If the persons who are sent notices by the Chief Electoral Officer under subsection (6) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer may file a copy of the notice with the clerk of the Court of Queen's Bench, and on



being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

**42 Section 44 is repealed and the following is substituted:**

**Effect of non-compliance**

**44(1)** Subject to section 43.2(4), if the chief financial officer of a registered candidate, registered nomination contestant or registered leadership contestant fails to file a return as required by section 43, 43.01 or 43.02 or a revised return under section 43.1, as the case may be, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Assembly, who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(2) After the Chief Electoral Officer transmits the report under subsection (1), the Chief Electoral Officer may publish a copy of the report on the Chief Electoral Officer's website.

(3) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate, registered nomination contestant or registered leadership contestant concerned or his or her chief financial officer, or both, may, within the 60-day period following the date on which the report was laid before the Assembly, apply to the Court of Queen's Bench for relief.

(4) On hearing the application, the Court may

- (a) dispense with compliance with section 43, 43.01, 43.02 or 43.1, or any provision of the relevant section, if it considers that the non-compliance is due to circumstances beyond the control of the registered candidate, registered nomination contestant, registered leadership contestant or chief financial officer, and that it is not reasonably possible to comply with the section,
- (b) extend the time for compliance with section 43, 43.01, 43.02 or 43.1, or any provision of the relevant section, if it finds mitigating reasons for non-compliance with the section,

**42** Section 44 presently reads:

*44(1) Subject to subsections (2) and (3), if the chief financial officer of a registered candidate fails to file a financial statement as required by section 43 or a registered candidate fails to eliminate a campaign deficit referred to in section 43.1, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Assembly, who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.*

*(2) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate concerned or the candidate's chief financial officer, or both, may, within the 60-day period following the date on which the report was laid before the Assembly, apply to the Court of Queen's Bench for relief.*

*(3) On hearing the application, the Court may*

- (a) dispense with compliance with section 43 or 43.1, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the chief financial officer, or both, and that it is not reasonably possible to comply with the section,*
- (b) extend the time for compliance with section 43 or 43.1, or any provision of it, if it finds mitigating reasons for non-compliance with the section,*
- (c) make any order that it considers appropriate to secure compliance with so much of section 43 or 43.1 as it considers reasonable in the circumstances, or*
- (d) refuse the application.*

*(4) An application to the Court under this section must name the Chief Electoral Officer as respondent.*

*(5) The decision of the Court is final and not subject to appeal.*

(c) make any order that it considers appropriate to secure compliance with so much of section 43, 43.01, 43.02 or 43.1 as it considers reasonable in the circumstances, or

(d) refuse the application.

(5) An application to the Court under this section must name the Chief Electoral Officer as respondent.

(6) The decision of the Court is final and not subject to appeal.

**43 Part 6.1 is repealed and the following is substituted:**

### **Part 6.1 Third Party Advertising**

#### **Definitions**

**44.1(1)** In this Part and in section 9.1,

(a) “advertising account” means, as applicable,

(i) the account on record with the Chief Electoral Officer for the purpose of accepting advertising contributions for election advertising and for the payment of advertising expenses for election advertising, and

(ii) the account on record with the Chief Electoral Officer for the purpose of accepting advertising contributions for political advertising and for the payment of advertising expenses for political advertising;

(b) “advertising contribution” means, subject to subsection (2),

(i) money provided to or for the benefit of a third party, or

(ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a third party,

**43** Repeals and replaces Part 6.1 dealing with “Third Party Advertising”.

without compensation from that third party, for the purpose of election advertising or political advertising, whether provided before or after the third party becomes registered under section 9.1;

- (c) “advertising expense” means an expense incurred in relation to
  - (i) the production of an election advertising message or a political advertising message, and
  - (ii) the acquisition of the means of transmission to the public of an election advertising message or a political advertising message;
- (d) “election advertising” means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party or registered candidate is associated, and for greater certainty does not include
  - (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
  - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
  - (iii) the transmission of a document directly by a corporation or a group to its members, employees or shareholders, as the case may be,
  - (iv) the transmission by a person, on a non-commercial basis on the Internet, of his or her personal political views,
  - (v) the making of telephone calls to electors only to encourage them to vote, or



- (vi) advertising by the Government in any form;
- (e) “expenses” means
  - (i) amounts paid,
  - (ii) liabilities incurred,
  - (iii) subject to subsection (2)(a), the market value of real property, goods and services that are donated or provided, and
  - (iv) subject to subsection (2)(a), amounts that represent the difference between an amount paid or a liability incurred for real property, goods or services and the market value of the real property, goods or services, when they are provided at less than their market value;
- (f) “group” means an unincorporated group of persons or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of persons, corporations, trade unions or employee organizations;
- (g) “political advertising” means the transmission to the public by any means, at any time other than during an election period, of an advertising message that promotes or opposes a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or a registered candidate is associated, and for greater certainty does not include
  - (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
  - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value,



- (iii) the transmission of a document directly by a corporation or a group to its members, employees or shareholders, as the case may be,
  - (iv) the transmission by a person, on a non-commercial basis, on the Internet, of his or her personal political views,
  - (v) the making of telephone calls to electors only to encourage them to vote, or
  - (vi) advertising by the Government in any form;
- (h) “registered third party” means a third party registered under section 9.1;
- (i) “third party” means a person, corporation or group, but does not include the following:
- (i) a registered party;
  - (ii) a registered constituency association;
  - (iii) a registered candidate or member of the Legislative Assembly;
  - (iv) a registered nomination contestant;
  - (v) a registered leadership contestant.
- (2)** For the purposes of subsection (1)(b), “services” does not include
- (a) volunteer labour provided by a person, so long as that person does not receive from his or her employer, or any person, compensation or paid time off to volunteer,
  - (b) audit and professional services provided free of charge for work relating to compliance with this Act,
  - (c) services provided free of charge by a person acting as the chief financial officer of the recipient of the services for work relating to compliance with this Act, or



- (d) services that a third party provides in support of its own campaign,

but for greater certainty “services” include services provided by a person who is self-employed if the services are normally charged for by that person.

**Election advertising spending limit**

**44.11(1)** A registered third party shall not incur election advertising expenses in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5, in relation to a general election.

**(2)** Not more than \$3000, as adjusted in accordance with section 41.5, of the amount referred to in subsection (1) shall be incurred to promote or oppose the election of one or more registered candidates in a given electoral division, including by

- (a) naming them,
- (b) showing their likenesses,
- (c) identifying them by their respective political affiliations, or
- (d) taking a position on an issue with which they are particularly associated.

**(3)** The limit set out in subsection (2) applies to an amount incurred with respect to the leader of a registered party only to the extent that it is incurred to promote or oppose his or her election in a given electoral division.

**(4)** A third party shall not incur election advertising expenses in a total amount of more than \$3000, as adjusted in accordance with section 41.5, in relation to a by-election in a given electoral division.

**(5)** A third party shall not circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by splitting itself into 2 or more third parties for the purpose of circumventing a limit or acting in collusion with another third party so that their combined election advertising expenses exceed a limit.



(6) For greater certainty, for the purposes of this section, if election advertising is transmitted during an election period, the expense incurred for that advertising is considered to be an election advertising expense, regardless of when it was incurred.

(7) The chief financial officer of a registered third party shall prepare an election advertising expense limit report for the purposes of a return required to be filed under section 44.9 relating to third party advertising expenses in relation to election advertising.

**Restrictions on advertising contributions and expenses**

**44.2(1)** Subject to subsections (3) and (4), no advertising contribution shall be made by a person, corporation, trade union or employee organization to a third party or used to incur election advertising expenses or political advertising expenses unless

- (a) the third party to whom the advertising contribution is made is registered under section 9.1, or
- (b) the third party is not required to be registered under section 9.1.

(2) No third party required to be registered under section 9.1 and no person acting for a third party required to be registered under section 9.1 shall accept advertising contributions or incur advertising expenses unless the third party is registered under section 9.1.

(3) The following shall not make an election advertising contribution:

- (a) a person ordinarily resident outside Alberta;
- (b) a prohibited corporation;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a registered charity;
- (e) a group of which any member of the group is ineligible under clause (a), (b) or (c).



(4) A third party shall not incur election advertising expenses in a total amount of \$1000 or more if the third party is not eligible to be registered under section 9.1.

(5) No third party shall, directly or indirectly, accept an election advertising contribution if the third party knows or ought to know that the contribution is made by a person, organization or group referred to in subsection (3).

(6) If the chief financial officer of a third party learns that an advertising contribution was accepted in contravention of this section, the chief financial officer shall, within 30 days after learning of the contravention, advise the Chief Electoral Officer in writing of the fact and circumstances and return the contribution in accordance with the directions of the Chief Electoral Officer.

**Payments made by third party**

**44.21** Any money paid by a third party from its own funds

- (a) for election advertising is an advertising contribution of the third party for the purposes of this Part, and
- (b) for political advertising is a political advertising contribution of the third party for the purposes of this Part.

**Deposit of advertising contributions**

**44.22(1)** Advertising contributions for election advertising or political advertising accepted by or on behalf of a registered third party shall be paid into the appropriate advertising account.

(2) When any advertising contribution, other than money, accepted by or on behalf of a registered third party is converted at any time into money, that amount shall be paid into the appropriate advertising account.

**Additional rules for groups**

**44.3** The following rules apply where a group wishes to make an advertising contribution to a third party or wishes to use funds collected to pay for advertising expenses:



- (a) an advertising contribution from funds collected from a group's members may be attributed to its members only if
  - (i) the amounts paid by its members were made on a voluntary basis,
  - (ii) it was made explicit whether the amounts being collected were for election advertising or for political advertising, and
  - (iii) the names of the members who made the payments, and the amounts they each paid, are recorded by the group and, if applicable, provided to the third party;
- (b) a group other than a trade union or employee organization may make advertising contributions only from funds collected from its members in accordance with clause (a);
- (c) advertising contributions by a trade union or employee organization from funds collected from its members but not in accordance with clause (a) are deemed to be advertising contributions of the trade union or employee organization and cannot be attributed to its members;
- (d) amounts making up advertising contributions that are attributed to members under clause (a) are advertising contributions of those members for the purposes of this Part.

**Valuing contributions other than money**

**44.31(1)** The value of advertising contributions, other than money, provided to a third party is the market value of the advertising contributions at that time.

**(2)** If any real property, goods or services or the use of real property, goods or services is provided to a third party for a price that is less than the market value at that time, the amount by which the value exceeds the price is an advertising contribution for the purposes of this Part.



### **Fund-raising functions**

**44.32(1)** In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 9.1 by whom or on whose behalf the function is held.

**(2)** The gross income from any fund-raising function must be recorded by the chief financial officer of the third party that held the function or on whose behalf the function was held.

**(3)** If a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the advertising contribution is to be determined under clause (a) or under clause (b), at the option of the third party:

(a) if the individual charge

(i) is \$50 or less, it is not considered to be an advertising contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be an advertising contribution,

(ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be an advertising contribution, and

(iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be an advertising contribution;

(b) the amount of the advertising contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

**(4)** The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be an advertising contribution to the third party.

**(5)** This section does not apply to a fund-raising function for purposes unrelated to election advertising or political advertising.



**Advertising contributions less than \$50**

**44.33(1)** When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall not be considered to be advertising contributions, but the chief financial officer of the third party shall record the aggregate amount received.

**(2)** Subsection (1) does not apply to funds raised for or on behalf of a third party for purposes unrelated to election advertising or political advertising.

**Loans**

**44.4(1)** A third party

- (a) may borrow money only from a financial institution other than a treasury branch, and
- (b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

**(2)** Any payment in respect of a loan to which subsection (1) applies is considered an advertising contribution by the person, corporation or group that made the payment unless that person, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the applicable advertising report or return next required to be filed pursuant to section 44.82 or 44.9.

**(3)** This section does not apply to the borrowing of money by a third party for purposes unrelated to election advertising or political advertising.

**Anonymous contributions and unauthorized contributions**

**44.5(1)** Any anonymous advertising contribution in excess of \$50 and any advertising contribution or portion of a contribution made in contravention of this Part accepted by a registered third party must not be used or expended, and the registered third party

- (a) shall return the advertising contribution or the portion, as the case may be, to the contributor if the contributor's identity can be established, or



(b) if the contributor's identity cannot be established, shall pay an amount equivalent to the advertising contribution to the Chief Electoral Officer.

(2) Any amounts received by the Chief Electoral Officer under subsection (1)(b) must be paid into the General Revenue Fund.

**Contributions not belonging to contributor**

**44.51(1)** No person, corporation, group, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 9.1 funds not actually belonging to that person, corporation, group, trade union or employee organization, or any funds that have been given or furnished to the person, corporation, group, trade union or employee organization by any group or by a corporation, trade union or employee organization for the purpose of making an advertising contribution of those funds to the third party that is registered or is required to be registered under section 9.1.

(2) No third party that is registered or is required to be registered under section 9.1 and no person on its behalf shall solicit or accept any advertising contribution if the third party or person knows or ought to know that the contribution is contrary to subsection (1).

(3) If the chief financial officer learns that an advertising contribution received by or on behalf of the third party that is registered or is required to be registered for whom the chief financial officer acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances and return the advertising contribution in accordance with the directions of the Chief Electoral Officer.

**Receipts**

**44.6** A third party shall issue receipts in the form and manner approved by the Chief Electoral Officer for every advertising contribution accepted by the third party.

**Third party advertising expenses**

**44.7(1)** All election advertising expenses or political advertising expenses, as the case may be, must be paid from the third party's applicable advertising account.



**(2)** Every registered third party shall appoint a chief financial officer.

**(3)** Every election advertising expense or political advertising expense that is incurred by or on behalf of a registered third party must be authorized by its chief financial officer.

**(4)** No advertising contribution shall be accepted by a registered third party otherwise than through the third party's chief financial officer.

**(5)** The chief financial officer may delegate a function described in subsection (3) or (4) to another person, but the delegation does not limit the chief financial officer's responsibility.

**(6)** Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts

- (a) from its election advertising account to the election advertising accounts of other registered third parties,
- (b) from its political advertising account to the political advertising accounts of other registered third parties,
- (c) from its election advertising account to its political advertising account, or
- (d) from its election advertising account to the political advertising accounts of other registered third parties,

and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.

**(7)** Funds held in a political advertising account shall not

- (a) be transferred to the third party's election advertising account, if the third party has such an account, or
- (b) to the election advertising account of another third party.

**(8)** All election advertising expenses or political advertising expenses paid for by a third party from its advertising account must be recorded in its applicable advertising report.



**Identification of third parties**

**44.8(1)** A third party, or a person acting on a third party's behalf, must ensure that election advertising or political advertising sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the election advertising and political advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising or political advertising;
- (b) subject to clause (c), in the case of election advertising or political advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising or political advertising;
- (c) in the case of election advertising or political advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
  - (i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,
  - (ii) the name of the third party must be stated at the beginning of the election advertising or political advertising,
  - (iii) the election advertising or political advertising must state whether the third party authorizes the election advertising or political advertising, and
  - (iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising or political advertising.

**(2)** The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsection (1).

**(3)** The guidelines established under subsection (2) must be published on the Chief Electoral Officer's website.



(4) If election advertising or political advertising is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of election advertising or political advertising displayed on a sign, poster or other similar format, neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.

**Disclosure of contributions for election advertising**

**44.81(1)** This section applies only to advertising contributions provided for the purpose of election advertising.

(2) In addition to the report referred to in section 44.9, every registered third party who engages in election advertising shall file with the Chief Electoral Officer, in the form and manner and within the time determined by the Chief Electoral Officer, weekly reports about advertising contributions received during the election period, setting out

- (a) the total amount of all advertising contributions received during each week of the election period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during that week totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

(3) The reports under subsection (2) for the 2nd, 3rd and final weeks must also include the total amounts contributed by a contributor when the advertising contributions of that contributor exceeded \$250 in the aggregate from the beginning of the election period to the end of the particular week for which the report is being prepared, together with the contributor's name and address.

**Disclosure of contributions for political advertising**

**44.82(1)** This section applies only to advertising contributions provided for the purpose of political advertising.



(2) The chief financial officer of a registered third party shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within 15 days after the end of each quarter of each year, a report setting out

- (a) the total amount of all advertising contributions received during the quarter that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during the quarter totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

(3) The reports under subsection (2) for the 2nd, 3rd and final quarters must also include the total amounts contributed by a contributor when the advertising contributions of that contributor exceeded \$250 in the aggregate on a year-to-date basis, together with the contributor's name and address.

(4) For the purpose of subsection (2), the ends of each quarter of a year are as follows:

- (a) for the first quarter, March 31;
- (b) for the 2nd quarter, June 30;
- (c) for the 3rd quarter, September 30;
- (d) for the final quarter, December 31.

(5) The chief financial officer of a registered third party shall, on or before March 31 of each year, file an annual report in the form and manner approved by the Chief Electoral Officer respecting advertising contributions received in respect of political advertising for the preceding calendar year.

**Third party election advertising return**

**44.9(1)** Subject to subsection (2), within 6 months after polling day the chief financial officer of a third party who is registered under section 9.1(2)(a) shall file with the Chief Electoral Officer a third party election advertising return, which must include



- (a) a financial statement,
- (b) a list of all advertising contributions received during the election period,
- (c) an election advertising spending limit report referred to in section 44.11(7),
- (d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate, and
- (e) any supporting information and documents relating to the election advertising return.

**(2)** If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 4-month period after the 2nd general election.

**(3)** The chief financial officer of a registered third party that accepts election advertising contributions or incurs election advertising expenses outside of the return period in subsection (1) shall file a report with the Chief Electoral Officer on or before March 31 of each year for the preceding calendar year.

**(4)** If a registered third party has not incurred election advertising expenses, that fact shall be indicated in its election advertising return.

**(5)** For the purposes of subsection (1)(b), the list of contributions received shall set out, for each contributor who made election advertising contributions totalling more than \$250, the contributor's name and address and the amount and date of each advertising contribution.

**(6)** A chief financial officer shall, at the request of the Chief Electoral Officer, provide the original of any bill, voucher or receipt for an election advertising expense of more than \$50.

**(7)** The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the election advertising return referred to in this section and shall publish any guidelines on the Chief Electoral Officer's website.



**Audited financial statements**

**44.91(1)** The chief financial officer of a third party whose election advertising expenses are \$100 000 or more shall file an audited financial statement with the Chief Electoral Officer within 6 months after polling day.

**(2)** The Chief Electoral Officer may determine what information is to be provided in the audited financial statement required under subsection (1).

**Disposition of advertising account funds**

**44.92(1)** Subject to subsection (2), any funds held by a registered third party in its election advertising account with respect to an election period shall continue to be held in the election advertising account to be expended for election advertising during a subsequent election period.

**(2)** If a registered third party decides not to expend funds for election advertising during the next election period for a general election or does not engage in election advertising during the next election period for a general election, the registered third party shall, within 6 months after that period, deal with the funds remaining in the election advertising account in accordance with subsection (4).

**(3)** If a registered third party decides not to engage in political advertising, the registered third party shall deal with the funds remaining in its political advertising account in accordance with subsection (4) by the time the report for the next quarter is required to be filed, as referred to in section 44.82.

**(4)** Funds remaining in the advertising accounts referred to in subsections (2) and (3) must be dealt with in one or more of the following ways:

- (a) by transferring the funds in accordance with section 44.7;
- (b) by donating the funds to a registered charity;
- (c) by returning the funds to the third party's contributors if they can be identified;
- (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the



funds or that portion of the funds, as the case may be, to the Chief Electoral Officer for deposit into the General Revenue Fund.

(5) A registered third party to which subsection (2) or (3) applies shall notify the Chief Electoral Officer of its decisions under this section and shall apply to the Chief Electoral Officer under section 10 to cancel its registration.

(6) The chief financial officer of a registered third party that has not dealt with the funds remaining in the respective advertising accounts referred to in subsection (2) or (3) shall file an election advertising return with the Chief Electoral Officer on or before March 31 of each year until such time as the funds have been disposed of completely.

**Late filing fee**

**44.93(1)** In this section, “filing deadline” means the day by which a report and return under this Part is required to be filed with the Chief Electoral Officer.

(2) A third party that is required to file a report and return under this Part and fails to file that report or return by the filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

(3) The Chief Electoral Officer shall not cancel the registration of the third party under section 10(4.1) if the report or return is filed no later than 30 days after the filing deadline.

(4) The third party and the chief financial officer of the third party are jointly and severally liable for payment of the fee referred to in subsection (2).

(5) If the late filing fee is not paid within 30 days after the date the fee was payable, the Chief Electoral Officer shall send a notice to the third party and the chief financial officer referred to in subsection (4) indicating the amount of the late filing fee that is required to be paid.

(6) If the third party and the chief financial officer who are sent notices by the Chief Electoral Officer under subsection (5) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer may file a copy of the notice with the clerk of the Court of Queen’s Bench, and on being filed, the notice has the same



force and effect and may be enforced as if it were a judgment of the Court.

**44 Part 6.2 is repealed.**

**44** Part 6.2 presently reads:

*Part 6.2  
Leadership Contests*

*44.93(1) Only a person ordinarily resident in Alberta may make a contribution to a registered leadership contestant.*

*(2) A prohibited person or entity shall not make a contribution to a registered leadership contestant.*

*(3) No person shall contribute to a registered leadership contestant*

*(a) funds not actually belonging to that person, or*

*(b) funds that have been given or furnished to the person by another person or any prohibited person or entity for the purpose of making a contribution of those funds to that registered leadership contestant.*

*(4) No person and no prohibited person or entity shall give or furnish funds to another person for the purpose of having that other person make a contribution of those funds to a registered leadership contestant.*

*(5) No registered leadership contestant and no person acting on behalf of a registered leadership contestant shall solicit or accept a contribution if the registered leadership contestant or person knows or ought to know that the contribution is made contrary to subsection (3).*

*(6) No registered leadership contestant shall, directly or indirectly, solicit or accept a contribution if the registered leadership contestant knows or ought to know that the prospective contributor is a prohibited person or entity.*

*(7) If a chief financial officer learns that a contribution was accepted in contravention of subsection (5) or (6) by or on behalf of the registered leadership contestant for whom the chief financial officer acts, the chief financial officer shall, within 30 days after*



*learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.*

*44.94(1) All financial contributions accepted by or on behalf of a registered leadership candidate shall be paid into an appropriate depository on record with the Chief Electoral Officer.*

*(2) When any contribution of other than money, accepted by or on behalf of a registered leadership contestant, is converted at any time into money, that amount shall be paid into an appropriate depository on record with the Chief Electoral Officer.*

*(3) No contribution shall be accepted by a registered leadership contestant otherwise than through the registered leadership contestant's chief financial officer.*

*(4) When any person accepts contributions on behalf of a registered leadership contestant during a campaign period, the chief financial officer shall record all the contributions, including the names and the addresses of the contributors and the dates on which the contributions were made.*

*(5) A registered leadership contestant shall issue receipts in the form and manner approved by the Chief Electoral Officer for every contribution accepted by the registered leadership contestant in respect of a leadership contest during the campaign period.*

*(6) Sections 21.1, 22, 23 and 24 apply with the necessary modifications with respect to registered leadership contestants.*

*(7) Sections 40 and 41 apply with the necessary modifications with respect to registered leadership contestants, and a reference in those provisions to section 42 or 43 shall be read as a reference to section 44.96(1).*

*44.95(1) Every leadership contestant shall, before his or her application for registration under section 9.2 is filed, appoint a chief financial officer.*

*(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the registered leadership contestant shall forthwith appoint another chief financial officer.*



*(3) The chief financial officer of a registered leadership contestant is responsible, with respect to the affairs of the registered leadership contestant, for ensuring that*

- (a) proper records are kept of all revenue, expenses and liabilities, as required for the purposes of this Act,*
- (b) contributions are placed in a depository on record with the Chief Electoral Officer,*
- (c) proper receipts are completed and dealt with in accordance with this Act,*
- (d) the financial statement and return required by section 44.96 are filed with the Chief Electoral Officer in accordance with this Act, and*
- (e) contributions of other than money are valued and recorded in accordance with this Act.*

*(4) The chief financial officer of a registered leadership contestant shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.*

*44.96(1) Within 4 months after the date fixed for the leadership vote, the chief financial officer of a registered leadership contestant shall file with the Chief Electoral Officer a financial statement setting out, in the form and manner approved by the Chief Electoral Officer, revenue, expenses and liabilities and a return setting out*

- (a) the total amount of all contributions received during the campaign period that did not exceed \$250 in the aggregate from any single contributor, and*
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded \$250 in the aggregate.*

*(2) This section also applies to any registered leadership contestant who withdraws from the leadership contest.*

**45 Section 46 is amended by adding “, report” after “financial statement”.**

**46 Section 48 is amended**

**(a) in subsection (3) by striking out “44.96” and substituting “43.02”;**

**(b) by adding the following after subsection (3):**

**(4)** The chief financial officer of a registered nomination contestant who contravenes section 43.01 is guilty of an offence and liable to a fine of not more than \$1000.

**(5)** If the chief financial officer of a registered nomination contestant is guilty of having contravened section 43.01, the registered nomination contestant for whom the chief financial officer acts is also guilty of the offence and is liable to a fine of not more than \$1000.

**(6)** If the chief financial officer of a registered leadership contestant is guilty of having contravened section 43.02, the registered leadership contestant for whom the chief financial officer acts is also guilty of the offence and is liable to a fine of not more than \$1000.

**47 The following is added after section 48:**

**Prohibition — expenses more than maximum**

**48.1(1)** A registered party, or the chief financial officer of a registered party, who contravenes section 41.2 is guilty of an offence and liable to a fine of not more than \$10 000.

**(2)** A registered candidate, or the chief financial officer of a registered candidate, who contravenes section 41.3 is guilty of an offence and liable to a fine of not more than \$5000.

**(3)** A registered nomination contestant, or the chief financial officer of a registered nomination contestant, who contravenes

**45** Section 46 presently reads:

*46 No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Chief Electoral Officer under this Act.*

**46** Section 48 presently reads:

*48(1) The chief financial officer of a registered party, registered constituency association or registered candidate who contravenes section 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.*

*(2) When any contravention of section 42 or 43 is committed by a chief financial officer of a registered party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,*

*(a) in the case of a registered party, to a fine of not more than \$5000, and*

*(b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.*

*(3) The chief financial officer of a registered leadership contestant who contravenes section 44.96 is guilty of an offence and liable to a fine of not more than \$1000.*

**47** Prohibition — expenses more than maximum.

section 41.4 is guilty of an offence and liable to a fine of not more than \$5000.

**Failure to comply with directions**

**48.2** A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party who fails to comply with a direction of the Chief Electoral Officer is guilty of an offence and liable to a fine of not more than \$1000.

**48 Section 49.1 is amended by striking out “Part 6.1” and substituting “a provision”.**

**49 Section 51.01 is amended**

**(a) in subsection (2)**

**(i) in clause (b) by striking out “or 44.93(2)”;**

**(ii) in clause (c) by striking out “section 44.2(5)” and substituting “section 44.2(3)”;**

**(iii) by adding the following after clause (b):**

(b.1) a person, a political party, a constituency association or a third party fails to comply with a direction of the Chief Electoral Officer;

**(b) in subsection (5)(b) by striking out “, 44.2(5) or 44.93(1)” and substituting “or 44.2(3)”.**

**48** Section 49.1 presently reads:

*49.1 A third party that contravenes Part 6.1 of this Act is guilty of an offence and liable to a fine not exceeding*

- (a) \$10 000 if the third party is a person;*
- (b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.*

**49** Section 51.01 presently reads in part:

*(2) If the Chief Electoral Officer is of the opinion that*

- (a) a person has made one or more contributions in excess of a limit prescribed by section 17(1) or 18(1),*
- (b) a prohibited person or entity has made a contribution in contravention of section 16 or 44.93(2),*
- (c) a prohibited corporation, a person ordinarily resident outside Alberta or a trade union or employee organization that is not an Alberta trade union or Alberta employee organization has made an election advertising contribution in contravention of section 44.2(5), or*
- (d) a person, a prohibited person or entity, a political party, a constituency association or a third party has contravened a provision of this Act, otherwise than as referred to in clause (a), (b) or (c),*

*the Chief Electoral Officer may serve on the person or entity either a notice of administrative penalty requiring the person or entity to pay*

**50(1) The following sections are amended by striking out “depository” and substituting “account”:**

section 7(1)(h);  
section 8(2)(f);  
section 14(1) and (2).

**(2) Sections 7(1)(g) and 8(2)(e) are amended by striking out “as the depositories for” and substituting “for the accounts into which are deposited”.**

*to the Crown the amount set out in the notice, or a letter of reprimand.*

*(5) The amount of an administrative penalty that may be imposed under subsection (2) must not exceed*

- (a) in the case of a contravention referred to in subsection (2)(a), twice the amount by which the contribution or contributions exceed the limit prescribed by section 17(1) or 18(1), as the case may be, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;*
- (b) in the case of a contravention of section 16, 44.2(5) or 44.93(1), twice the amount that was contributed in contravention of that provision, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;*
- (c) in the case of a contravention referred to in section 48(1), (2)(b) or (3), \$1000;*
- (d) in the case of a contravention referred to in section 49.1,
  - (i) \$10 000 if the third party is a person, and*
  - (ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization;**
- (e) in the case of any other contravention, \$10 000.*

**50** Updates terminology.

## **Transitional Provisions, Consequential Amendments and Coming into Force**

**51(1)** In this section,

- (a) “former Act” means the *Election Finances and Contributions Disclosure Act* as it read before the coming into force of this section;
- (b) “the Bill” means the Bill to enact the *Fair Elections Financing Act*.

**(2)** A person ordinarily resident in Alberta who, before the Bill received first reading, made contributions in 2016 under section 17 of the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions in 2016 under section 17 as enacted by section 19 of the *Fair Elections Financing Act*, and no candidate, political party, constituency association, candidate or nomination contestant shall accept such contributions.

**(3)** A person ordinarily resident in Alberta who, before the Bill received first reading, did not make any contributions in 2016 under the former Act or made contributions that in the aggregate were less than \$4000, may only make contributions in 2016 under section 17 as enacted by section 19 of the *Fair Elections Financing Act* that do not exceed the difference between \$4000 and the amount, if any, contributed in 2016 before first reading of the Bill.

**(4)** Subsections (2) and (3) do not apply with respect to contributions made to and accepted by a leadership contestant while participating in any leadership contest occurring when this section comes into force.

**52(1) The *Election Act* is amended by this section.**

**(2) Section 1(1)(c) is repealed and the following is substituted:**

- (c) “candidate” means a person
  - (i) who is selected for endorsement as the official candidate of a registered political party for an electoral division, or

**51** Transitional.

**52** Amends chapter E-1 of the Revised Statutes of Alberta 2000.  
Sections 1(1)(c), 57 and 62(2.1) presently read:

*1(1) In this Act,*

- (c) “candidate” means a person*
- (ii) who is nominated as a candidate for an electoral division,*
- (iii) who is nominated by a constituency association of a registered party in an electoral division for endorsement as*

- (ii) who, after the commencement of the campaign period, declares the person's candidacy as an independent candidate at the election in an electoral division;

**(3) Section 57 is amended**

**(a) by repealing clauses (b) and (c) and substituting the following:**

- (b) that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report,
- (c) the Court did not dispense with compliance with section 43, 43.01, 43.02 or 43.1 of that Act by an order under section 44(4) of that Act, and

**(b) in clause (d)(ii) by striking out "financial statement" and substituting "return".**

**(4) Section 62(2.1) is amended by striking out "financial statement" and substituting "return".**

**53(1) The *Legislative Assembly Act* is amended by this section.**

**(2) Section 25 is repealed and the following is substituted:**

*the official candidate of that party in the electoral division, or*

- (iv) who, on or after the date of the issue of a writ for an election in an electoral division, declares the person's candidacy as an independent candidate at the election in the electoral division;*

*57 A person is prohibited from being nominated as a candidate in an election if*

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1) of the Election Finances and Contributions Disclosure Act,*
- (b) that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report,*
- (c) the Court did not dispense with compliance with section 43(2) or 43.1 of that Act by an order under section 44(3) of that Act, and*
- (d) nomination day for the election occurs within*
  - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or*
  - (ii) where the financial statement has been filed with the Chief Electoral Officer, the 5-year period following the day of filing,*

*whichever period expires first.*

*62(2.1) The deposit received under section 61 must be refunded to the chief financial officer of the candidate if the required financial statement is filed within the time period referred to in section 43(2) of the Election Finances and Contributions Disclosure Act.*

**53** Amends chapter L-9 of the Revised Statutes of Alberta 2000. Section 25 presently reads:

*25 A person is disqualified from membership of the Assembly if*

**Disqualification in relation to election  
financial statements**

**25** A person is disqualified from membership of the Assembly if

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1) of the *Election Finances and Contributions Disclosure Act*,
- (b) that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report, and
- (c) the return to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43, 43.01, 43.02 or 43.1, as the case may be, of that Act by an order under section 44(3)(a) of that Act.

**54(1)** In this section, “the Bill” means the Bill to enact the *Fair Elections Financing Act*.

**(2)** Sections 19 and 35 are deemed to have come into force on the day the Bill received first reading.

**(3)** Definitions contained in section 1 of the *Election Finances and Contributions Disclosure Act* as enacted or amended by section 2 apply to sections 17, 40 and 41 of the *Election Finances and Contributions Disclosure Act*, as enacted by sections 19 and 35 of the Bill, on and after the day the Bill received first reading.

**(4)** Sections 38 and 39 apply in respect of campaign periods commencing on or after the date on which this Act receives Royal Assent.

**(5)** Sections 9, 28 and 43 come into force on January 1, 2017.

- (a) *the Speaker has laid a report before the Assembly pursuant to section 44(1) of the Election Finances and Contributions Disclosure Act,*
- (b) *that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report, and*
- (c) *the financial statement to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43 or 43.1, as the case may be, of that Act by an order under section 44(3)(a) of that Act.*

**54** Coming into force.

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To