

2017 Bill 32

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 32

**AN ACT TO STRENGTHEN AND
PROTECT DEMOCRACY
IN ALBERTA**

THE MINISTER RESPONSIBLE FOR DEMOCRATIC RENEWAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 32

2017

AN ACT TO STRENGTHEN AND PROTECT DEMOCRACY IN ALBERTA

(Assented to _____, 2017)

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

Part 1 Election Act

Amends RSA 2000 cE-1

1 The *Election Act* is amended by this Part.

2 Section 1 is amended

(a) in subsection (1)

(i) in clause (b.1)

(A) in subclause (ii) by adding “and” after “polling
day,”;

(B) by repealing subclause (iii);

(ii) by adding the following after clause (e):

(e.1) “community support centre” means a facility that
provides services to people experiencing poverty or
homelessness;

(iii) by adding the following after clause (h):

Explanatory Notes

Part 1 Election Act

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

2 Section 1 presently reads in part:

1(1) In this Act,

(b.1) “campaign period” means

- (i) in the case of a general election held in accordance with section 38.1(2), 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), 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*

- (h.1) “Election Commissioner” means the Election Commissioner appointed under section 153.01;
 - (iv) in clause (j) by striking out** “, and has been for at least the immediately preceding 6 months,”;
 - (v) by adding the following after clause (k):**
 - (k.1) “emergency shelter” includes short-term housing for individuals experiencing homelessness, individuals escaping domestic violence, and other similar temporary housing;
 - (vi) in clause (y) by striking out** “in a polling subdivision”;
 - (vii) by adding the following after clause (hh):**
 - (hh.1) “special mobile poll” means a special mobile poll established under section 125.1;
 - (viii) in clause (kk.1)(ii) by striking out** “for 10 or more electors at any one location”;
 - (ix) in clause (ll)(i) by striking out** “, a sanatorium”.
- (b) by adding the following after subsection (4):**
- (5)** Where this Act requires a document or record to be filed, established, maintained, returned, transmitted, produced, submitted or served, the Chief Electoral Officer may specify whether that document or record must be in printed form or in electronic form, or both.

writ for the election and ending 2 months after polling day, and

(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;*

(e) *“clerk” means a clerk of the Court of Queen’s Bench;*

(h) *“election” means an election of a person as a member of the Legislative Assembly conducted under this Act;*

(j) *“elector” means a person who on*

(i) *polling day, in the case of an election, or*

(ii) *a date fixed by the Chief Electoral Officer, in the case of an enumeration,*

is a Canadian citizen, is 18 years of age or older and is, and has been for at least the immediately preceding 6 months, ordinarily resident in Alberta;

(k) *“electoral division” means an area in Alberta established as an electoral division under the Electoral Divisions Act;*

(y) *“polling station” means a place where an elector in a polling subdivision casts the elector’s vote;*

(hh) *“Special Ballot” means the Special Ballot provided for by section 116;*

(kk.1) *“supportive living facility” means*

(i) *a lodge accommodation as defined in the Alberta Housing Act, or*

(ii) *a facility for adults or senior citizens that provides assisted living and accommodation for 10 or more electors at any one location*

but does not include a treatment centre;

(ll) *“treatment centre” means*

3 Section 3(4) and (5) are amended by striking out “disability, neglect of duty, misconduct or bankruptcy” and substituting “cause or incapacity”.

4 Section 3.1(1) is amended by striking out “, the *Senatorial Selection Act*”.

5 Section 4 is amended

(a) in subsection (1) by striking out “and the *Senatorial Selection Act*” wherever it occurs;

(i) *a hospital, a sanatorium or a facility under the Mental Health Act, or*

(ii) *any facility not referred to in subclause (i),*

providing medical treatment or care on an in-patient basis;

(4) For the purpose of this section and sections 56(c.2) and 116(1)(c), “inmate” means a person who has been convicted of an offence and is serving his or her sentence in a correctional institution under the Corrections Act, in a penitentiary under the Corrections and Conditional Release Act (Canada), in a place of custody under the Youth Justice Act or the Youth Criminal Justice Act (Canada) or in any other similar institution outside Alberta, excluding a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines.

3 Section 3 presently reads in part:

(4) The Lieutenant Governor in Council, on an address of the Assembly, may suspend or remove the Chief Electoral Officer from office for disability, neglect of duty, misconduct or bankruptcy.

(5) If the Legislature is not then sitting, the Lieutenant Governor in Council may suspend the Chief Electoral Officer from office for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next sitting of the Legislature.

4 Section 3.1(1) presently reads:

3.1(1) Before beginning the duties of office, the Chief Electoral Officer shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act, the Senatorial Selection Act or the Election Finances and Contributions Disclosure Act, not to disclose any information received by the Office of the Chief Electoral Officer under this or any other Act.

5 Section 4 presently reads:

4(1) The Chief Electoral Officer shall

(b) by repealing subsection (1.1);

(c) by repealing subsection (2) and substituting the following:

(2) The Chief Electoral Officer shall from time to time

- (a) provide the public with information about the election process, the democratic right to vote, the right to be a candidate and, generally, about the operation of this Act and the *Election Finances and Contributions Disclosure Act*,
- (b) implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights, and
- (c) prepare educational materials for students who have reached voting age or will soon do so and make them available to a board of a school district or division or an operator of a private school or charter school for distribution to their students, including information on how to request access to information in the register about themselves and how to have their personal information removed or not included in the register.

(2.01) For the purposes of subsection (2)(c), “charter school”, “private school” and “board” mean “charter school”, “private school” and “board” as defined in the *School Act*.

(d) in subsection (2.1) by striking out “, the *Election Finances and Contributions Disclosure Act* or the *Senatorial Selection Act*” and substituting “or the *Election Finances and Contributions Disclosure Act*”;

(e) in subsection (3) by striking out “, an election under the *Senatorial Selection Act*”;

(f) by adding the following after subsection (3):

(3.1) Notwithstanding subsection (3), if, in the Chief Electoral Officer’s opinion, an emergency, disaster, or an unusual or unforeseen circumstance requires delaying the opening of a

- (a) *provide guidance, direction and supervision respecting the conduct of all elections, enumerations and plebiscites conducted under this Act and the Senatorial Selection Act and plebiscites and referendums under any other Act to which this Act applies;*
- (b) *enforce fairness and impartiality on the part of all election officers in the conduct of their duties and compliance with this Act and the Senatorial Selection Act;*
- (c) *issue to election officers any guidance, direction and information the Chief Electoral Officer considers necessary to ensure the effective carrying out of their duties under this Act and the Senatorial Selection Act;*
- (d) *perform all duties assigned to the Chief Electoral Officer by this or any other Act.*

(1.1) The Chief Electoral Officer 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.

(2) The Chief Electoral Officer may provide information to the public about the election process and the democratic right to vote.

(2.1) The Chief Electoral Officer may from time to time meet with representatives of the registered political parties that are represented in the Legislative Assembly concerning the election process or activities under this Act, the Election Finances and Contributions Disclosure Act or the Senatorial Selection Act.

(3) The Chief Electoral Officer may, where the Chief Electoral Officer considers it necessary for the efficient conduct of an election, enumeration or plebiscite under this Act, an election under the Senatorial Selection Act or a plebiscite or referendum under any other Act to which this Act applies,

- (a) *extend the time for doing anything under this Act, except*
 - (i) *the time for the holding of an election, and*
 - (ii) *the time by which a nomination paper must be filed,*
- (b) *increase the number of election officers or enumerators,*

polling place or interrupting voting at a polling place, the Chief Electoral Officer may adjourn voting at that polling place to another time on the same day at the same polling place or to the same time or another time on the same day at a different polling place if the emergency, disaster, or unusual or unforeseen circumstance

- (a) has a significant effect on the ability of the Chief Electoral Officer or a returning officer to conduct an election,
- (b) has a significant effect on the ability of electors to attend a polling place, or
- (c) puts or may put the health or safety of persons in an electoral division at risk.

(3.2) The Chief Electoral Officer shall immediately notify registered political parties, registered candidates and registered candidates' official agents in the affected electoral division about any change in voting hours or the location of a polling place made under subsection (3.1) and publish the change on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(3.3) If a different polling place is fixed under subsection (3.1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new polling place to be attached to the original place where the polling place was to be located.

(3.4) Voting adjourned under subsection (3.1) must, when recommenced, continue so that the total number of hours the polling place is open for the purpose of voting is the same as that required under section 88(1)(c).

(3.5) If the Chief Electoral Officer is of the opinion that an adjournment is insufficient to address the circumstances set out in subsection (3.1), the Chief Electoral Officer may apply to a judge of the Court to discontinue the election in any one or more electoral divisions and commence a new election at another day and time.

- (c) appoint other persons as election officers to carry out duties authorized by the Chief Electoral Officer, for the faithful performance of which those persons are to be sworn,*
- (d) increase the number of polling stations,*
- (e) omit or vary a prescribed form, except the ballot, to suit the circumstances, and*
- (f) generally, adapt the provisions of this Act to the circumstances.*

(4) The Chief Electoral Officer may remove any election officer from office for disability or misconduct or for failing to perform his or her work satisfactorily and may order that election officer to deliver all materials in the election officer's possession relating to that office to a designated person.

(5) The Chief Electoral Officer shall, immediately after each enumeration, general election, election under the Senatorial Selection Act, by-election or plebiscite or a plebiscite or referendum under any other Act, prepare and have printed a report including

- (a) a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the Senatorial Selection Act, by-election, plebiscite or referendum, as the case may be,*
- (b) a breakdown of results and a summary of costs, and*
- (c) any recommendations for amendments to this Act or the Senatorial Selection Act, as the case may be.*

(6) The Chief Electoral Officer shall transmit the report prepared under subsection (5) to the Standing Committee, which shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

(3.6) If the Court grants the application under subsection (3.5),

- (a) the election for the electoral division that is the subject of the application shall be discontinued,
- (b) a new election for the electoral division that is the subject of the application shall be commenced under section 39 as if the election were a by-election within 6 months of the date of the application, and
- (c) nominations of candidates previously filed remain valid for the new election.

(3.7) The Chief Electoral Officer shall publish a notice that the election has been discontinued under subsection (3.5) on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(3.8) This Act applies to an election under subsection (3.5) as if it were a by-election.

(3.9) If voting is adjourned under subsection (3.1) or the election is discontinued under subsection (3.5), returning officers, deputy returning officers and election officers must make all reasonable efforts to ensure that the election materials are secured and that the integrity of the election is not compromised.

(g) subsection (4) is amended by striking out "disability" and substituting "cause, incapacity";

(h) in subsection (5)

(i) by striking out ", election under the *Senatorial Selection Act***" wherever it occurs;**

(ii) in clause (c) by striking out "or the *Senatorial Selection Act*, as the case may be";

(i) by adding the following after subsection (6):

(7) 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 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.

(8) A report made under subsection (7) may be combined with a report made under section 4(2) of the *Election Finances and Contributions Disclosure Act*.

6 The following is added after section 4.1:

Directives issued by the Chief Electoral Officer

4.11(1) If the Chief Electoral Officer determines that equipment referred to in section 4.12 will be used in an election, the Chief Electoral Officer shall, no later than 7 days after a writ of election is issued,

- (a) make a directive
 - (i) describing in detail the procedures and equipment to be used at that election,
 - (ii) describing in detail how the Act will be modified in order to enable the use of the equipment at that election, and
 - (iii) referring to the provisions of this Act that will not be complied with and specifying the nature and extent of non-compliance in each case,
- (b) provide copies of the directive to the leader of each registered political party, to any member of the Legislative Assembly who is not a member of a registered political party and to any independent candidate, and
- (c) publish the directive on the Chief Electoral Officer's website.

(2) The Chief Electoral Officer's directive may apply to any one or more of the following:

- (a) one or more electoral divisions;

6 Directives issued by the Chief Electoral Officer; accessible voting equipment.

- (b) voting at an advance poll;
- (c) voting at a mobile poll;
- (d) voting at a special mobile poll;
- (e) voting by Special Ballot or Secured Special Ballot;
- (f) voting at a poll held on polling day.

(3) An election held in accordance with a directive made under this section is not invalid by reason of any non-compliance with this Act where the non-compliance is related to the procedures and equipment set out in the directive.

(4) To the extent of any conflict between this Act and a directive made under this section, the directive prevails.

(5) The Chief Electoral Officer shall include a summary of the use at an election of any equipment authorized by a directive issued under this section in the Chief Electoral Officer's report under section 4(5).

(6) For the purpose of section 4.12(2)(c), testing includes, without limitation, logic and accuracy testing.

Accessible voting equipment

4.12(1) The Chief Electoral Officer may issue a directive in accordance with section 4.11 authorizing the use of accessible voting equipment during an election.

(2) The following restrictions apply with respect to the use of accessible voting equipment:

- (a) the equipment must allow the elector to vote privately and independently;
- (b) the equipment must not be part of or connected to an electronic network, except that the equipment may be securely connected to a network after the close of polls for the purpose of transmitting information to the Chief Electoral Officer;
- (c) the equipment must be tested,

- (i) before the first elector uses the equipment to vote, and
- (ii) after the last elector uses the equipment to vote;
- (d) the information presented on a ballot made available to the elector through the equipment before voting must comply with section 83, with necessary modifications;
- (e) the equipment must create a paper ballot that records the vote cast, is retained in the same way as ordinary ballots and includes the name of the electoral division;
- (f) the equipment must, before the paper ballot is printed, allow the elector to verify the elector's vote without the assistance of another person;
- (g) the equipment or the process used must, after the paper ballot is printed but before casting the elector's vote, allow the elector to verify the elector's vote;
- (h) the equipment must not be used in a way that enables the choice of an elector to be made known to an election officer or scrutineer.

(3) Accessible voting equipment shall not be used unless an entity that the Chief Electoral Officer considers to be an established independent authority on the subject of voting equipment has certified that the equipment meets acceptable security and integrity standards.

(4) In this section, "accessible voting equipment" means voting equipment that enables electors requiring assistance to vote independently.

7 Section 4.2 is amended

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

Inquiries

4.2(1) For the purposes of carrying out an inquiry under this Act, the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the inquiry were an inquiry under that Act.

7 Section 4.2 presently reads:

4.2(1) For the purpose of carrying out an inquiry or conducting an investigation under this Act, the Chief Electoral Officer has all the powers of a commissioner under the Public Inquiries Act as though the investigation or inquiry were an inquiry under that Act.

(2) For the purpose of carrying out an inquiry or conducting an investigation under this Act, a representative of the Chief Electoral

(b) in subsection (2)

- (i) by striking out** “or conducting an investigation”;
- (ii) by striking out** “the investigation” **and substituting** “the inquiry”;

(c) by adding the following after subsection (2):

(2.1) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Chief Electoral Officer shall

- (a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

8 Sections 4.3 and 4.4 are repealed.

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 or candidate relevant to the subject-matter of the 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 political party, registered constituency association or registered candidate 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 affairs of the registered political party, registered constituency association or registered candidate that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

8 Sections 4.3 and 4.4 presently read:

4.3(1) At any time before completing an investigation referred to in section 4(1.1), the Chief Electoral Officer shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless the Chief Electoral Officer believes that doing so would compromise or impede the investigation.

(2) The Chief Electoral Officer may refuse to conduct or may cease an investigation if the Chief Electoral Officer is of the opinion that

(a) the matter is frivolous or vexatious, or

(b) there are no or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Chief Electoral Officer shall not make an adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

(4) If the Chief Electoral Officer refuses to conduct or ceases an investigation under subsection (2) or determines that no offence was committed, the Chief Electoral Officer

(a) shall provide notice of that decision to

(i) every person or organization who

(A) is the subject of the investigation, or

(B) would have been the subject of an investigation if the Chief Electoral Officer had not refused to conduct an investigation,

and

(ii) every person or organization who requested an investigation, if any,

and

(b) may, as the Chief Electoral Officer considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 4(1.1).

4.4(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, any former Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Chief Electoral Officer shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of an inquiry or investigation.

(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) adduced in evidence at an inquiry;

9 Section 9 is amended

(a) in subsection (1)

- (i) by striking out** “, 2 years after a general election,”;
- (ii) by striking out** “and elections under the *Senatorial Selection Act*”;

(b) in subsection (1.1)

- (i) by striking out** “under this Act or an election under the *Senatorial Selection Act*”;
- (ii) by striking out** “or the election under the *Senatorial Selection Act*”;

(c) in subsection (2) by striking out “a resident elector of that electoral division and” **and substituting** “an elector”;

(d) by repealing subsection (2.1);

(e) in subsection (4)

(d) *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.*

(3) *Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published on the Chief Electoral Officer's website in the following circumstances:*

- (a) *if a penalty is imposed or a letter of reprimand is issued under section 153.1;*
- (b) *if the Chief Electoral Officer has provided notice under section 4.3(4) and receives a written request for disclosure from a person or organization who received the notice.*

9 Section 9 presently reads in part:

9(1) The Chief Electoral Officer may, 2 years after a general election, appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the Senatorial Selection Act.

(1.1) If a by-election or plebiscite under this Act or an election under the Senatorial Selection Act is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election or plebiscite or the election under the Senatorial Selection Act.

(2) The returning officer for an electoral division must be a resident elector of that electoral division and must not be ineligible under section 46 for appointment.

(2.1) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as returning officer for that electoral division, the Chief Electoral Officer may appoint as returning officer an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.

- (i) **by striking out** “publish in The Alberta Gazette the name and address” **and substituting** “publish the name and electoral division”;
- (ii) **by adding** “on the Chief Electoral Officer’s website and in any other manner the Chief Electoral Officer considers appropriate” **after** “electoral division”.

10 The following is added after section 9:

Hiring policy

9.1(1) The Chief Electoral Officer shall establish a hiring policy, including policies surrounding conflicts of interest, relating to the hiring of election officers, enumerators and employees on the basis of merit.

(2) The policy established under subsection (1) must be published on the Chief Electoral Officer’s website and in any other manner determined by the Chief Electoral Officer.

11 Section 11 is repealed and the following is substituted:

Remuneration of election officers and enumerators

11 All election officers and enumerators shall, on performance of their duties at the request of the Chief Electoral Officer or at the request of a returning officer, be paid remuneration, fees and expenses as established by the Chief Electoral Officer.

12 Section 13(1) is amended by striking out “, elections under the *Senatorial Selection Act*”.

(4) The Chief Electoral Officer shall publish in The Alberta Gazette the name and address of the returning officer appointed for each electoral division.

10 Hiring policy.

11 Section 11 presently reads:

11 All returning officers shall, on performance of their duties at the request of the Chief Electoral Officer, be paid

(a) an honorarium of the same amount, and

(b) fees and expenses at the same rate,

prescribed by the Lieutenant Governor in Council.

12 Section 13(1) presently reads:

13(1) The Chief Electoral Officer shall maintain a register of electors from which lists of electors for polling subdivisions for each electoral division may be compiled for use at general elections, by-elections or plebiscites under this Act, elections under the Senatorial Selection Act or referendums or plebiscites under any other Act.

13 Section 13.1 is amended

(a) by adding the following after subsection (3):

(3.1) At the request of the Chief Electoral Officer, the Department, as defined in the *Health Information Act*, may in the manner that the Department considers appropriate, provide personal health numbers and the information set out in section 13(2)(a) to (f) of this Act with respect to persons ordinarily resident in Alberta who are electors or will be eligible to be electors that is in the custody or under the control of the Department to the Chief Electoral Officer, for the purpose of maintaining and revising the register.

(b) by adding the following after subsection (5):

(6) At the request of the Chief Electoral Officer, the Minister of Education, a board of a school district or division or an operator of a private school or charter school shall disclose to the Chief Electoral Officer the information referred to in section 13(2)(a) to (f) with respect to students who are at least 16 years of age enrolled in a school operated by a board or operator for use by the Chief Electoral Officer for the purpose of maintaining and revising the register.

(7) For the purposes of subsection (6), “charter school”, “private school” and “board” mean “charter school”, “private school” and “board” as defined in the *School Act*.

14 Section 16 is amended

(a) in clause (b) by adding “and” after “age,”;

(b) by repealing clause (c).

13 Section 13.1 presently reads in part:

(3) A public body as defined in the Freedom of Information and Protection of Privacy Act shall, at the request of the Chief Electoral Officer,

(a) for the purpose of subsection (2)(c), provide personal information held by that public body, and

(b) provide address, mapping, demographic or geographic information, including geospatial information.

(5) The Chief Electoral Officer may retain information collected under subsection (2) but not included in the register, for the purpose of correlating information contained or to be included in the register.

14 Section 16 presently reads in part:

16 Subject to section 45, a person is eligible to have the person's name included on a list of electors if that person as of a date fixed by the Chief Electoral Officer

(b) is at least 18 years of age,

(c) has been or will have been ordinarily resident in Alberta for at least 6 months as of that date, and

15 Section 18(1)(b) is repealed.

16 Section 21 is repealed and the following is substituted:

Enumerations

21(1) Prior to the general election to be held following the 2015 general election, the Chief Electoral Officer shall conduct a door-to-door enumeration of every electoral division, including an enumeration of Indian reserves and Metis settlements.

(2) The Chief Electoral Officer shall give reasonable notice in writing to the council of each Indian band and to the settlement council and settlement administrator of each Metis settlement prior to an enumeration of the electors on the Indian reserve or on the Metis settlement, respectively, providing notice that enumerators will be conducting an enumeration in the area.

(3) The Chief Electoral Officer shall consult with the council of each Indian band and with the council and settlement administrator of each Metis settlement with respect to the manner in which the enumeration can most effectively be conducted.

(4) Following the enumeration referred to in subsection (1), the Chief Electoral Officer shall table a report with the Standing Committee that includes the following information:

15 Section 18(1) presently reads:

18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

- (a) 2 years after a general election,*
- (b) during the 4th and 5th years after a general election,*
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted, and*
- (d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the Legislative Assembly Act.*

16 Section 21 presently reads:

21(1) The Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, conduct an enumeration of all or some of the electoral divisions, or within an electoral division, as directed by the Chief Electoral Officer.

(2) An enumeration is to be conducted during a period determined by the Chief Electoral Officer and is to be followed by at least one day for revisions as determined by the Chief Electoral Officer.

- (a) the number of residences contacted during an enumeration;
- (b) the percentage of persons who responded to the enumeration;
- (c) the number of Indian reserves and Metis settlements contacted by the Chief Electoral Officer for the purposes of conducting an enumeration;
- (d) the number of Indian reserves and Metis settlements that participated in the enumeration;
- (e) any challenges encountered in hiring persons to conduct door-to-door enumerations and the impact of door-to-door enumerations on other election officers;
- (f) the cost of conducting the enumeration;
- (g) any other matter the Chief Electoral Officer considers appropriate.

(5) The Standing Committee shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

(6) The Lieutenant Governor in Council may make regulations respecting the manner in which an enumeration, if any, may be conducted following the enumeration referred to in subsection (1).

(7) Notwithstanding anything in this section, the Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, conduct an enumeration of all or some of the electoral divisions, or within an electoral division.

(8) In this section,

- (a) “council” means the “council of the band” within the meaning of the *Indian Act* (Canada);
- (b) “Indian band” means a band within the meaning of the *Indian Act* (Canada);

- (c) “settlement administrator” means the person appointed by the settlement council as the senior administrative officer of the settlement, within the meaning of the *Metis Settlements Act*;
- (d) “settlement council” means the council of a Metis settlement within the meaning of the *Metis Settlements Act*.

17 Section 24(a) is repealed.

18 Section 25 is amended

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

Enumerators for subdivisions

25(1) Each returning officer shall, in accordance with the directions of the Chief Electoral Officer, appoint an enumerator for each subdivision in an electoral division.

- (b) **in subsection (2) by striking out** “as an enumerator for a subdivision a 2nd resident elector for the” **and substituting** “a 2nd enumerator for a”;
- (c) **by repealing subsection (7).**

17 Section 24 presently reads:

24 The following persons may not be appointed or act as enumerators:

- (a) persons who are not electors;*
- (b) members of the Parliament of Canada;*
- (c) members of the Legislative Assembly;*
- (d) candidates;*
- (e) official agents;*
- (f) judges of federal or provincial courts;*
- (g) persons who have within the immediately preceding 10 years been convicted of an indictable offence for which the penalty that may be imposed is greater than 2 years' imprisonment.*

18 Section 25 presently reads in part:

25(1) Each returning officer shall in accordance with the directions of the Chief Electoral Officer appoint, as an enumerator for each subdivision in the electoral division, one elector resident in that electoral division.

(2) The returning officer may, with the approval of the Chief Electoral Officer, appoint as an enumerator for a subdivision a 2nd resident elector for the subdivision if the returning officer considers it necessary for the completion of the enumeration or the security of the enumerator.

19 Section 30 is amended

(a) in subsection (2)

(i) in clause (b) by adding “and” after “age,”;

(ii) by repealing clause (c);

(b) in subsection (4) by adding “unless the returning officer or the Chief Electoral Officer is of the opinion that there are a sufficient number of electors who are residing in the institution” after “similar institutions”;

(c) by adding the following after subsection (10):

(11) Notwithstanding anything in this section, the Chief Electoral Officer may direct an enumerator not to visit an assigned residence if, in the Chief Electoral Officer’s opinion, the safety of an enumerator may be at risk.

(7) If sufficient qualified persons are not available from among those persons resident within an electoral division, the returning officer may appoint as enumerators qualified persons from any other electoral divisions as the returning officer considers appropriate.

19 Section 30 presently reads in part:

(2) Subject to subsection (10), each enumerator shall contact, either in person, by telephone or by mail, as directed by the returning officer, each assigned residence in the subdivision to determine which persons residing in the assigned residence

- (a) are Canadian citizens,*
- (b) are at least 18 years of age,*
- (c) have been or will have been ordinarily resident in Alberta for at least 6 months, and*
- (d) are ordinarily resident in the electoral division and subdivision for which those persons are to have their names included on the list of electors,*

as of a date determined by the Chief Electoral Officer, and shall record on the form provided by the Chief Electoral Officer the

20 Section 34 is repealed.

21 Section 35 is repealed.

22 Section 36 is repealed.

information referred to in section 13(2)(a) to (f) with respect to those persons.

(4) An enumerator is not to visit or contact treatment centres, students' residences operated by an educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres, emergency shelters or any similar institutions.

(10) The Chief Electoral Officer may direct a returning officer for an electoral division that assigned residences be contacted within that electoral division by means other than those referred to in subsection (2).

20 Section 34 presently reads:

34 When the returning officer has accepted all the forms completed under section 30(2) and any forms returned under section 30(9) for the subdivisions in the returning officer's electoral division, the returning officer shall publish in one or more newspapers of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website the dates, times and places for consideration of applications for revisions to the information.

21 Section 35 presently reads:

35(1) During the period of revision, the returning officer shall make individual information available for confirmation or correction to the individual concerned until the end of the period of time for revisions to the information.

(2) The returning officer may make the information available only to the person whom the information is about or to an agent of the person.

(3) Any person requesting access to information for the purpose set out in subsection (1) shall complete and sign a declaration.

22 Section 36 presently reads:

36(1) The returning officer for each electoral division shall attend at the returning officer's office between the hours of 11 a.m. and 9

23 Section 37 is repealed.

24 Section 38.1(2) is amended by striking out “a general election shall be held within the 3-month period beginning on March 1, 2012 and ending on May 31, 2012, and afterwards,”.

p.m. during the revision period to consider applications for revisions to the information.

(2) If a returning officer considers it necessary, the returning officer may, with the prior approval of the Chief Electoral Officer, fix additional dates, times and places for consideration of applications for revisions to the information.

(3) The returning officer shall publish in one or more newspapers of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website the details of any additional dates, times and places for consideration of applications for revisions so as to give not less than 2 days' notice of the information.

23 Section 37 presently reads:

37 If, before the time fixed for concluding revisions to the information, the returning officer is satisfied from representations made to the returning officer or by independent inquiry

- (a) that the name of any qualified person has been omitted for the subdivision to which that person belongs, the returning officer shall add the name and shall attest the addition,*
- (b) that the name of any unqualified person has been included for a subdivision, the returning officer shall delete the name and shall attest the deletion, or*
- (c) that any information about an elector is inaccurately stated, the returning officer shall make the necessary changes and shall attest the change.*

24 Section 38.1(2) presently reads:

(2) Subject to subsection (1), a general election shall be held within the 3-month period beginning on March 1, 2012 and ending on May 31, 2012, and afterwards, general elections shall be held within the 3-month period beginning on March 1 and ending on May 31 in the 4th calendar year following polling day in the most recent general election.

25 Section 42 is amended by adding “, or as soon as practicable after transmitting the writ to a returning officer” after “returning officer”.

26 Section 43 is amended

- (a) **by striking out** “a person is eligible to vote at an election if that person is an elector and ordinarily resident on polling day in the polling subdivision in which the person seeks to vote, and” **and substituting** “an elector is eligible to vote for a candidate in the electoral division where the elector is ordinarily resident if”;
- (b) **in clause (a) by striking out** “person’s” **and substituting** “elector’s”;
- (c) **in clause (b) by striking out** “person” **and substituting** “elector”;
- (d) **in clause (c) by striking out** “person’s” **and substituting** “elector’s”.

27 Section 46 is repealed and the following is substituted:

Persons ineligible to be election officers

46(1) The following persons shall not be appointed or act as returning officers or election clerks:

- (a) persons who are not electors;
- (b) members of the Parliament of Canada;
- (c) members of the Legislative Assembly;
- (d) councillors under the *Municipal Government Act*;
- (e) trustees of a board of trustees under the *School Act*;
- (f) candidates;
- (g) official agents;

25 Section 42 presently reads:

42 When transmitting a writ to a returning officer, the Chief Electoral Officer shall also forward sufficient copies of the lists of electors for the electoral division and a supply of election forms and materials.

26 Section 43 presently reads:

43 Subject to section 45, a person is eligible to vote at an election if that person is an elector and ordinarily resident on polling day in the polling subdivision in which the person seeks to vote, and

- (a) that person's name appears on the list of electors for the polling subdivision,*
- (b) that person signs a declaration under section 95, or*
- (c) that person's name has been entered in the Special Ballot Poll Book and the person has properly completed part 1 of the certificate referred to in section 118(2)(d).*

27 Section 46 presently reads:

46 The following persons shall not be appointed or act as returning officers, election clerks, administrative assistants, supervisory deputy returning officers, registration officers, deputy returning officers or poll clerks:

- (a) persons who are not electors;*
- (c) members of the Parliament of Canada;*
- (d) members of the Legislative Assembly;*
- (e) candidates;*
- (f) official agents;*
- (g) judges of federal or provincial courts;*

- (h) judges of federal or provincial courts;
- (i) persons who have, within the immediately preceding 10 years, been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

(2) The persons listed in clauses (b) to (i) shall not be appointed or act as an election officer.

28 Section 47 is amended

- (a) in subsection (1) by striking out “elector of the electoral division as”;
- (b) by repealing subsection (4).

29 Section 47.1 is amended

- (a) in subsection (1) by striking out “elector of the electoral division as”;
- (b) by repealing subsection (2.1).

30 Section 49 is amended

- (a) in subsection (1) by adding “or any election officer designated by the Chief Electoral Officer” after “electoral division”;

(h) persons who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

28 Section 47 presently reads in part:

47(1) In preparation for the conduct of an election in an electoral division, the Chief Electoral Officer shall appoint an elector of the electoral division as election clerk.

(4) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as election clerk for that electoral division, the Chief Electoral Officer may appoint as election clerk an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.

29 Section 47.1 presently reads in part:

47.1(1) In preparation for the conduct of an election in an electoral division, the returning officer shall appoint an elector of the electoral division as administrative assistant.

(2.1) Where, in the opinion of the returning officer, the returning officer is unable to appoint a qualified person resident within an electoral division as administrative assistant for that electoral division, the returning officer may appoint as administrative assistant an elector resident in any other electoral division as the returning officer considers appropriate.

30 Section 49 presently reads:

49(1) An oath or affidavit required under this Act from any person except a returning officer may be sworn before the returning officer for the relevant electoral division.

- (b) **in subsection (2) by adding** “or any election officer designated by the Chief Electoral Officer” **after** “electoral division”.

31 Section 50 is amended

- (a) **in subsection (1) by striking out** “, together with a notice in the prescribed form designating the dates, time and place for consideration of application for revisions to the list of electors”;
- (b) **in subsection (2)**
 - (i) **by repealing clauses (a) and (b);**
 - (ii) **in clause (c) by adding** “at 4 p.m.” **before** “on the Saturday”;
- (c) **in subsection (3) by striking out** “Section 37” **and substituting** “Section 13.1”;
- (d) **by repealing subsection (4).**

32 Section 52 is amended

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

(2) An oath or affidavit required under this Act from any person except a returning officer or election clerk may be sworn before the election clerk for the relevant electoral division.

31 Section 50 presently reads:

50(1) Immediately following receipt of a writ, the returning officer shall have available in the returning officer's office and in any other location as directed by the Chief Electoral Officer one copy of the list of electors transmitted by the Chief Electoral Officer, together with a notice in the prescribed form designating the dates, time and place for consideration of applications for revisions to the list of electors.

(2) The period for considering applications for revisions to the list shall

- (a) commence on the 5th day after the date of the writ,*
- (b) continue each day except Sundays and holidays, and*
- (c) conclude on the Saturday of the week preceding the opening of the advance polls.*

(3) Section 37 applies with all necessary modifications to revisions under this section.

(4) At 4 p.m. on the Saturday referred to in subsection (2)(c) or so soon after that hour as all applications of persons present at that hour are disposed of, the returning officer or election clerk shall

- (a) draw a line immediately under the last name on the list of electors for each polling subdivision, and*
- (b) forthwith date the list and certify that the list of electors is closed to further revision by signing that official's name immediately under the line drawn under the last name on the list.*

32 Section 52 presently reads in part:

(3) Every polling place shall, where practicable, be situated so that it is readily accessible to handicapped persons.

(3) Every polling place must, where practicable, be located in premises with barrier-free accessibility.

(b) **in subsections (6) and (6.1) by striking out** “or polling station”.

33 Section 53(1) is amended

(a) **by striking out** “If by reason of some emergency” **and substituting** “Subject to section 4(3.1) and (3.5), if”;

(b) **by striking out** “by telephone, confirmed by written notice” **and substituting** “and publish the change on the Chief Electoral Officer’s website and in any other manner the Chief Electoral Officer considers necessary”.

34 Section 55 is amended

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

(i) **by repealing clause (a);**

(ii) **in clause (e)**

(A) **by striking out** “place,”;

(B) **by striking out** “10th” **and substituting** “7th”;

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

(f) the name of the returning officer and the contact information for the returning officer’s office.

(b) **in subsection (2)**

(i) **in clause (d) by striking out** “level access” **and substituting** “barrier-free accessibility”;

(6) A polling place or polling station does not need to be located in the polling subdivision but shall be located in the electoral division.

(6.1) Notwithstanding subsection (6), with the prior written approval of the Chief Electoral Officer a polling place or polling station may be in an adjacent electoral division if the returning officer is unable to find a suitable place in the electoral division for the polling place or polling station.

33 Section 53 presently reads:

53(1) If by reason of some emergency it is found to be impractical to hold the poll in a polling place fixed by the returning officer, the returning officer may fix a different polling place as near as possible to the location originally fixed and shall give immediate notice of the change to all candidates or their official agents by telephone, confirmed by written notice.

(2) When a different polling place is fixed under subsection (1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new polling place to be attached to the original place where the polling place was to be located.

34 Section 55 presently reads in part:

55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, issue a proclamation containing the following:

- (a) the place, dates and hours for considering applications for revisions to the lists of electors,*
- (e) the place, date and time for announcing the results of the official count, that date being the 10th day after polling day, and*
- (f) the name, address and telephone number of the returning officer.*

(2) A returning officer shall post a copy of the following in the returning officer's office:

(ii) **by repealing clause (e);**

(c) **by repealing subsection (2.1) and substituting the following:**

(2.1) The Chief Electoral Officer shall, as soon as possible, publish the information in the proclamation referred to in subsection (1)(b) to (f) and the information referred to in subsection (2)(b) and (d) on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election.

(d) **by repealing subsection (3);**

(e) **in subsection (4)**

(i) **by striking out** “for any reason, the returning officer” **and substituting** “, the Chief Electoral Officer”;

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

(a) publish details of the correction on the Chief Electoral Officer's website and in any other manner in which the Chief Electoral Officer has published the information under subsection (2.1), and

(f) **by repealing subsection (5).**

35 Section 56(d) is amended by striking out “or the *Senatorial Selection Act*”.

- (d) a statement of the availability of level access to the office of the returning officer and to the advance polling places;*
- (e) a list of the qualifications for electors who may use a Special Ballot.*

(2.1) A returning officer shall as soon as possible publish the information in the proclamation referred to in subsection (1)(a) to (f) and the information referred to in subsection (2)(b), (d) and (e) in a newspaper of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website.

(3) A returning officer may post additional copies of the information in the proclamation referred to in subsection (1), the map and the list of locations at any other places in the electoral division where the returning officer considers they will be reasonably safe from damage and will serve to provide information to the public.

(4) If any of the information published under subsection (2.1) is or becomes inaccurate for any reason, the returning officer shall

- (a) publish details of the correction in the newspaper in which the information in the proclamation was published under subsection (2.1) and on the Chief Electoral Officer's website, and*
- (b) immediately provide to all candidates or their official agents written details of the correction.*

(5) If the returning officer is for any reason unable to comply with subsection (4), the returning officer shall immediately notify the Chief Electoral Officer, who shall take whatever action, if any, the Chief Electoral Officer considers appropriate.

35 Section 56 presently reads in part:

56 A person is eligible to be nominated as a candidate in an election if on the day the person's nomination paper is filed the person

- (d) is not prohibited from being nominated as a candidate under this Act or the Senatorial Selection Act by reason of section 57, 58, 178 or 181, and*

36 Section 59 is amended

(a) in subsection (1) by striking out “campaign period” and substituting “period referred to in subsection (1.01)”;

(b) by adding the following after subsection (1):

(1.01) The period for the purpose of subsection (1) is as follows:

- (a) in the case of a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the general election is held and ending on nomination day;
- (b) in the case of a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the general election and ending on nomination day;
- (c) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending on nomination day;
- (d) where a nomination contest is held by a registered party or a registered constituency association under the *Election Finances and Contributions Disclosure Act*, the period commencing as soon as the nomination contestant, as defined in the *Election Finances and Contributions Disclosure Act*, is selected for endorsement as the official candidate of the registered party for the electoral division, and ending on nomination day.

37 Section 60(1) and (4) are amended by striking out “, address and telephone number” and substituting “and contact information”.

36 Section 59 presently reads in part:

59(1) At any time during the campaign period, any 25 or more electors of an electoral division may nominate a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form.

37 Section 60 presently reads in part:

60(1) Each person being nominated as a candidate shall appoint an elector to be the person's official agent on the person's nomination and shall include the name, address and telephone number of the person so appointed in the appropriate place in the nomination form.

38 Section 61 is amended

(a) in subsection (1)

(i) in the portion preceding clause (a) by striking out “filed with” and substituting “accepted for filing by”;

(ii) by adding the following after clause (a):

(a.1) it is signed by the candidate,

(iii) in clause (d) by striking out “written communication” and substituting “affidavit”;

(iv) by adding the following after clause (d):

(d.1) the person being nominated provides the returning officer with identification in a form prescribed by the Chief Electoral Officer,

(v) by adding “and” at the end of clause (e);

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

(4) The deposit of \$500 referred to in subsection (1)(e) may be made during the time period referred to in section 59(1.01)(d) notwithstanding section 9(1.1) of the *Election Finances and Contributions Disclosure Act*.

39 Section 67 is amended

(a) in subsection (1)

(i) in clause (c) by striking out “address” and substituting “contact information”;

(ii) by repealing clause (d) and substituting the following:

(4) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the name, address and telephone number of the person so appointed.

38 Section 61 presently reads in part:

61(1) A nomination paper is not valid and shall not be filed with the returning officer unless the original nomination paper is submitted for filing and

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,*
- (d) the person being nominated confirms by written communication*
 - (i) that the person is eligible under section 56 for nomination,*
 - (ii) that the person consents to the person's nomination,*
 - (iii) the appointment of the person's official agent,*
 - (iv) that the person is the officially endorsed candidate of a registered political party or is an independent candidate, and the confirmation is filed with the nomination paper,*
- (e) it is accompanied with a deposit of \$500,*
- (f) it is filed with the returning officer prior to 2 p.m. on the date appointed as nomination day.*

39 Section 67 presently reads in part:

67(1) At 2 p.m. on the date appointed as nomination day, the returning officer shall, at the place fixed for the filing of nominations,

- (c) announce the name and address of each candidate's official agent, and*

(d) announce the polling date and the date and time at which the official results will be announced.

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

(b) publish the names and contact information of the candidates' official agents in the form and manner directed by the Chief Electoral Officer.

(c) in subsection (3) by striking out "address" and substituting "contact information".

40 Section 69(1) is amended by striking out "be printed" and substituting "appear".

41 Section 70(a) is repealed and the following is substituted:

(a) publish within the 7 days immediately preceding polling day, in the form and manner directed by the Chief Electoral Officer,

(i) a copy of the map of the electoral division setting out the polling subdivisions,

(ii) a list of the locations of the polling places, and

(iii) a statement of the availability of barrier-free accessibility to the office of the returning officer and to the advance polling places,

- (d) announce the polling date and the date, time and place at which the official results of the election will be declared.*
- (2) On complying with subsection (1), the returning officer shall, as soon as possible,*
 - (b) publish in the prescribed form the names, addresses and telephone numbers of the candidates' official agents in a newspaper of general circulation in the electoral division and on the Chief Electoral Officer's website.*
- (3) If another official agent is appointed under section 60(4), the returning officer shall publish in the same manner as provided in subsection (2) the name and address of the newly appointed official agent.*

40 Section 69(1) presently reads:

69(1) If a poll is necessary in an electoral division, the returning officer shall, immediately after the close of nominations, cause to be posted at every place where the proclamation was posted a notice of poll in the prescribed form indicating the names of the candidates and their respective registered political parties, if any, in the order in which the candidates' names will be printed on the ballot.

41 Section 70 presently reads:

70 Each returning officer shall

- (a) publish once within the 7 days immediately preceding polling day, in one or more newspapers of general circulation in the electoral division and on the Chief Electoral Officer's website,*
 - (i) a copy of the map of the electoral division setting out the numbered polling subdivisions,*
 - (ii) a list of the locations of the polling places,*
 - (iii) a statement of the availability of level access to the office of the returning officer and to the advance polling places, and*

42 Section 71(3) and (4) are repealed.

43 Section 73(3) and (4) are repealed.

44 Section 76(3) is repealed.

45 Section 77.1(3) is repealed.

(iv) *a list of qualifications for electors who may use a Special Ballot,*

and

(b) *provide one copy of the map and one copy of the list to each of the returning officer's deputy returning officers for use on polling day.*

42 Section 71 presently reads in part:

(3) A person appointed as a deputy returning officer must be an elector resident in the electoral division.

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint as deputy returning officers qualified persons from any other electoral divisions as the returning officer considers appropriate.

43 Section 73 presently reads in part:

(3) A person appointed as a poll clerk must be an elector resident in the electoral division.

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint as poll clerks qualified persons from any other electoral divisions as the returning officer considers appropriate.

44 Section 76(3) presently reads:

(3) A person appointed as a supervisory deputy returning officer must be an elector resident in the electoral division.

45 Section 77.1(3) presently reads:

(3) A person appointed as a registration officer must be an elector resident in the electoral division.

46 Section 77.2 is amended

- (a) by renumbering it as section 77.2(2);**
- (b) by adding the following before subsection (2):**

Use of election officers

77.2(1) Subject to sections 71(5), 73(5) and 75, this section applies to election officers who are requested or required by the Chief Electoral Officer, a returning officer or their supervisor to perform the duties of another election officer.

- (c) by adding the following after subsection (2):**

(3) If an election officer is unable or unwilling to act or neglects the election officer's duties, the Chief Electoral Officer or returning officer may appoint another person in that election officer's place.

(4) Any election officer may perform the duties of another election officer, other than the duties of a returning officer or election clerk, if required or requested by the Chief Electoral Officer, returning officer or the election officer's supervisor.

(5) If an election officer is required to perform the duties of another election officer, the election officer is not required to take another oath.

47 Section 81(2) is amended

- (a) by repealing clause (a);**
- (b) in clause (b) by striking out "a sufficient number of appropriate seals" and substituting "sealing material";**
- (c) in clause (c) by striking out "seals after they have been attached" and substituting "seal after it has been applied".**

46 Section 77.2 presently reads:

77.2 Any election officer who is appointed to carry out duties in an electoral division may, at the request of his or her supervisor, be required to carry out the duties of any other officer at any polling place in the electoral division if that other election officer is unable to carry out his or her own duties.

47 Section 81(2) presently reads:

(2) The ballot boxes shall be

(a) made of a durable material,

*(b) accompanied with a sufficient number of appropriate seals,
and*

(c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after they have been attached.

48 Section 82 is amended

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

Provision of ballots

82(1) The Chief Electoral Officer shall ensure a sufficient number of ballots are available for use in an election.

- (b) **by repealing subsection (2).**

49 Section 83 is amended

- (a) **in subsection (1)**

- (i) **by striking out** “On each ballot shall be printed” **and substituting** “Each ballot shall set out”;
- (ii) **by striking out** “in a type of 10 point” **and substituting** “in a type of at least 12 point”;

- (b) **in subsection (3)**

- (i) **by striking out** “printed” **and substituting** “set out”;
- (ii) **in clause (a)**
- (A) **in subclause (iii) by adding** “, subject to subsection (3.2)” **after** “nickname”;
- (B) **by striking out** “in a type of 10 point” **and substituting** “in a type of at least 12 point”;

- (c) **by repealing subsection (3.2) and substituting the following:**

(3.2) The Chief Electoral Officer may disallow the use of a name, other than a person’s legal name, or nickname having regard to the integrity of the election.

- (d) **by repealing subsection (4) and substituting the following:**

(4) Every ballot shall include a stub and there shall be a line of perforations between the ballot and the stub.

48 Section 82 presently reads:

82(1) Each returning officer shall have printed on paper supplied to the returning officer by the Chief Electoral Officer the ballots for use in the election in the returning officer's electoral division.

(2) The number of ballots printed shall exceed by at least 25% the number of electors listed in the electoral division.

49 Section 83 presently reads in part:

83(1) On each ballot shall be printed the name of each candidate together with

(a) the name of the registered political party for which the candidate is the candidate, or

(b) the word "Independent" if the candidate is not a candidate for a registered political party

in a type of 10 point capital letters.

(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the political party under section 7(1)(b) of the Election Finances and Contributions Disclosure Act may be used.

(3) The names of the candidates shall be printed on the ballot as follows:

(a) the candidate's

(i) given name,

(i.1) middle name,

(ii) initials, or

(iii) nickname

or any combination of them in a type of 10 point capital letters;

(e) by repealing subsection (5) and substituting the following:

(5) The ballot and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the Chief Electoral Officer considers appropriate.

(f) in subsection (6) by striking out “both the stub and counterfoil” **and substituting** “the stub”;

(g) in subsection (7) by adding “legible and” **after** “shall be”;

(h) in subsection (9) by striking out “printed on its back”.

50 Section 85(a) is amended by striking out “one copy” **and substituting** “a copy”.

- (b) *the candidate's surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of 12 point capital letters;*
- (c) *the candidates' names shall be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates' names shall be listed on the basis of the alphabetical order of their given names;*
- (d) *no titles, degrees, prefixes or suffixes may be included with a name.*

(3.2) The Chief Electoral Officer may disallow the use of a nickname if in the opinion of the Chief Electoral Officer it is a nickname by which the candidate is not generally known or that is unacceptable for any other reason.

(4) Every ballot shall include a counterfoil and stub, and there must be a line of perforations between

- (a) the ballot and the counterfoil, and*
- (b) the counterfoil and the stub.*

(5) The ballot, counterfoil and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the returning officer considers appropriate.

(6) The ballots shall be serially numbered with the number of each ballot appearing on the back of both the stub and counterfoil.

(7) All ballots shall be as nearly alike as possible.

(9) Each ballot shall have printed on its back the name of the electoral division and the year of the election.

50 Section 85 presently reads in part:

85 The returning officer shall provide to each deputy returning officer

- (a) one copy of the list of electors for the deputy returning officer's particular polling subdivision for use on polling day, and*

51 Section 86(1) is amended

- (a) **by adding** “the Chief Electoral Officer or” **after** “If”;
- (b) **by striking out** “following the revision under section 50”;
- (c) **by adding** “the Chief Electoral Officer or” **before** “the returning officer may”.

52 Section 88 is amended

- (a) **in subsection (1)**
 - (i) **in clause (b) by adding** “in accordance with section 120” **after** “held”;
 - (ii) **by adding the following after clause (b):**
 - (b.1) at a special mobile poll held in accordance with section 125.1, during the hours fixed by the Chief Electoral Officer;
- (b) **in subsection (3) by adding** “or in line to enter the polling place” **after** “inside the polling place”.

53 Section 88.1 is repealed.

51 Section 86(1) presently reads:

86(1) If a returning officer considers it necessary following the revision under section 50, the returning officer may establish additional polling places or polling stations for the convenience of the voters.

52 Section 88 presently reads in part:

88(1) Subject to subsection (3), polling places shall be open for the purpose of voting during the following hours only:

(b) at treatment centres and supportive living facilities where mobile polls are held, during the hours fixed by the returning officer;

(3) At closing time the entrance to each polling place shall be closed, and only those persons who are inside the polling place at that time shall be permitted to vote after the closing time.

53 Section 88.1 presently reads:

88.1(1) Notwithstanding section 88(1)(c), where authorized under subsection (3), polling places with respect to a by-election authorized under the regulations to be conducted in accordance with this section shall be open for the purpose of voting from 7 a.m. to 9 p.m. on polling day.

(2) In order to assist with the counting of ballots at a poll for a by-election authorized to be conducted in accordance with this section, the Chief Electoral Officer may use vote-counting equipment for the purpose of conducting the unofficial count of votes under this Act.

(3) The Lieutenant Governor in Council may make regulations

(a) authorizing that a by-election may be conducted in accordance with this section;

54 Section 89(1) is amended by striking out “30 minutes” and substituting “60 minutes”.

55 Section 90(1) is amended by adding the following after clause (b):

- (b.1) such other bulletins required by the Chief Electoral Officer to assist in the effective conduct of the election.

(b) respecting the modification of procedures under this Act for the unofficial counting of votes.

(4) After a by-election that has been authorized to be conducted in accordance with this section has been held, the Chief Electoral Officer shall table a report with the Standing Committee setting out the Chief Electoral Officer's opinion on the following:

(a) whether any increase in voter turnout was attributable to the earlier opening of the poll;

(b) whether the use of any vote-counting equipment that was used at the by-election was effective and efficient;

(c) whether the extended hours had any adverse effect on election officials and their ability to carry out their functions, including whether they caused any difficulty in recruiting persons to work at the poll;

(d) any other matter the Chief Electoral Officer considers appropriate.

(5) The Standing Committee shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

54 Section 89(1) presently reads:

89(1) Each deputy returning officer shall attend at the polling place at least 30 minutes prior to the opening of the deputy returning officer's polling station.

55 Section 90(1) presently reads:

90(1) Prior to the opening of a polling station, the deputy returning officer shall post in a conspicuous location at the polling station one copy of each of the following prescribed bulletins:

(a) Notice as to Secrecy of Voting;

(b) Directions for Guidance of Voters.

56 Section 96 is amended

- (a) in subsection (1) by striking out** “due to a physical incapacity or inability to read the ballot”;
- (b) in subsection (1.1) by striking out** “incapacity” **and substituting** “disability”;
- (c) in subsection (3)(b)**
 - (i) by striking out** “is a blind voter and”;
 - (ii) in subclause (i) by striking out** “Blind”.

57 Section 97 is amended by striking out “one copy” **and substituting** “a copy”.

58 Section 98 is amended

- (a) in subsection (1) by striking out** “in the electoral division in which those electors ordinarily reside”;
- (b) in subsection (1.1)**
 - (i) by striking out** “authorize” **and substituting** “require”;

56 Section 96 presently reads in part:

96(1) The deputy returning officer, at the request of a voter who is unable to vote in the usual manner due to a physical incapacity or inability to read the ballot, shall

- (a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of the poll clerk, and*
- (b) if requested by the voter, place the ballot so marked in the ballot box.*

(1.1) Where a voter is unable to access a polling place because of the voter's physical incapacity, the poll clerk, and the other election officers the deputy returning officer considers necessary, shall bring the ballot box to some other place on the site on which the polling place is located.

(3) The deputy returning officer, in the case of a voter referred to in subsection (1), shall

- (b) if the voter is a blind voter and is not accompanied by a friend or does not wish to be assisted by the deputy returning officer,*
 - (i) provide the voter with a Blind Voter Template in the prescribed form, and*
 - (ii) instruct the voter in its use.*

57 Section 97 presently reads:

97 The returning officer shall provide one copy of the list of electors for all assigned polling subdivisions in the electoral division for use by the deputy returning officer at the advance poll.

58 Section 98 presently reads in part:

98(1) The returning officer shall establish at least one and no more than 4 polling places to enable electors to vote in advance at an election in the electoral division in which those electors ordinarily reside.

(ii) **by adding** “if the Chief Electoral Officer considers it necessary” **after** “4 polling places”;

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

(3) The polling places for advance polls shall be open from 9 a.m. to 8 p.m. on each of the

(a) Friday and Saturday 2 weeks preceding polling day, and

(b) Thursday, Friday and Saturday of the full week preceding polling day.

(d) by adding the following after subsection (6):

(6.1) If electronic documents are used for the purposes of an advance poll, each day after the close of a polling place for an advance poll, a copy of a record of electors who voted that day shall be made in printed and electronic form.

(6.2) A copy of the record referred to under subsection (6.1) shall be provided to registered political parties or registered candidates on request.

(6.3) The record referred to in subsection (6.1) shall include each elector’s electoral division, polling subdivision number and sequence number assigned to the elector by the Chief Electoral Officer or an election officer and any other information the Chief Electoral Officer considers appropriate.

(e) by repealing subsection (7) and substituting the following:

(7) Sealing material applied to a ballot box shall not be broken from the time it is applied until the close of the polling places on polling day, except as may be necessary at the opening of the polling place for the advance poll on the Thursday, Friday and Saturday to permit the deposit of ballots.

(f) in subsection (8) by striking out “seals have been affixed” **and substituting** “seal has been applied”.

(1.1) Notwithstanding subsection (1), the Chief Electoral Officer may authorize a returning officer to establish more than 4 polling places.

(3) The polling places for advance polling shall be open from 9 a.m. to 8 p.m. on each of the Wednesday, Thursday, Friday and Saturday of the full week preceding polling day.

(6) Each day at the close of the polling place for an advance poll the ballot box

(a) shall be sealed by the deputy returning officer and poll clerk, and

(b) may be sealed by any candidate, official agent or scrutineer so desiring,

so that it cannot be opened and no ballots can be deposited without breaking those seals.

(7) Seals placed on a ballot box shall not be removed from the time they are placed on it until the close of the polling places on polling day except as may be necessary at the opening of the polling place for the advance poll on the Friday and Saturday to permit the deposit of ballots.

(8) At the close of the polling place for the advance poll on the final day the deputy returning officer shall, after the seals have been affixed pursuant to subsection (6), take charge of and safely keep the ballot box until the close of polls on polling day, when the ballots shall be counted in accordance with section 111.

59 Section 99(1) is amended

- (a) by striking out** “presents himself or herself” **and substituting** “attends”;
- (b) in clause (a) by striking out** “the list of electors for the polling subdivision in which the elector ordinarily resides” **and substituting** “a list of electors”;
- (c) in clause (b) by striking out** “the list of electors for the polling subdivision in which the elector ordinarily resides” **and substituting** “any list of electors”.

60 Section 101 is amended

- (a) in subsection (1)(b) by striking out** “and the number on the back of the counterfoil”;
- (b) by repealing subsection (2) and substituting the following:**
 - (2)** The deputy returning officer shall, without unfolding the ballot and in full view of the voter and all present, ascertain by examining the initials that it is the same ballot the deputy returning officer provided to the voter, and return the ballot to the voter so that the voter may place the ballot in the ballot box.

59 Section 99(1) presently reads:

99(1) When a person who is an elector presents himself or herself to vote at the advance poll, the deputy returning officer shall

- (a) if the person's name appears on the list of electors for the polling subdivision in which the elector ordinarily resides, enter opposite the name of that person on the list of electors in the appropriate column a check mark or other annotation indicating that the voter voted in the advance poll, or*
- (b) if the person's name does not appear on the list of electors for the polling subdivision in which the elector ordinarily resides,*
 - (i) require the person to comply with section 95(1) or (2), and*
 - (ii) enter the person's name and address on the list of electors and enter in the appropriate column in the poll book a check mark or other annotation indicating that the voter signed a declaration in accordance with section 95(1) or signed a declaration and was vouched for in accordance with section 95(2), and voted in the advance poll.*

60 Section 101 presently reads in part:

101(1) The deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, instruct the voter to

- (b) refold the ballot so that the initials, electoral division and year of the election on the back of the ballot and the number on the back of the counterfoil can be seen without unfolding it, and*
- (2) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present*
- (a) ascertain by examining*
 - (i) the initials, and*
 - (ii) the number on the counterfoil.*

61 Section 111 is amended

- (a) in subsection (1) by striking out “and then seal it”;
- (b) by repealing subsection (7).

62 Section 112(h) is amended by striking out “with the seal provided for that purpose and with the seals of those candidates or their official representatives who also desire to seal the ballot box”.

that it is the same ballot the deputy returning officer provided to the voter,

- (b) remove and tear up the counterfoil, and*
- (c) return the ballot to the voter so that the voter may place the ballot in the ballot box.*

61 Section 111 presently reads in part:

111(1) After the closing of the poll, the deputy returning officer shall immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing those ballots and then seal it.

(7) When, in the course of counting the votes, any ballot is found with the counterfoil still attached, the deputy returning officer shall, after carefully concealing the number from all persons present and without examining the number on the counterfoil himself or herself, remove and destroy the counterfoil, and shall not reject the ballot merely by reason of the deputy returning officer's previous failure to remove the counterfoil.

62 Section 112(h) presently reads:

112 The deputy returning officer shall, at the conclusion of the count,

- (h) ensure that*
 - (i) the list of electors,*
 - (ii) all envelopes containing ballots,*
 - (iii) the poll book,*
 - (iv) the original copy of the Statement of Poll, and*
 - (v) all other documents relating to the operation of the poll,*
- are placed in the ballot box that the deputy returning officer shall immediately seal with the seal provided for that purpose*

63 Section 116 is amended

(a) in subsection (2) by adding “or to the Chief Electoral Officer in accordance with subsection (2.1)” **after** “polling day”;

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

(2.1) An application referred to in subsection (2) may be made to the Chief Electoral Officer

(a) in the case of a general election held in accordance with section 38.1(2),

(i) no earlier than January 1 in the year in which the election is held, and

(ii) no later than

(A) if the elector applies in person, at the end of polling day, and

(B) in any other case, 6 p.m. on the day before advance polls open,

and

(b) in the case of a general election held other than in accordance with section 38.1(2) or a by-election, no later than

(i) if the elector applies in person, at the end of polling day, and

(ii) in any other case, 6 p.m. on the day before advance polls open.

(c) in subsection (3)

(i) by striking out “or election clerk” **and substituting** “, election clerk or person designated by the Chief Electoral Officer”;

and with the seals of those candidates or their official representatives who also desire to seal the ballot box,

63 Section 116 presently reads in part:

(2) An application for a Special Ballot may be made

- (a) in writing,*
- (b) by telephone,*
- (c) by fax or electronic mail, or*
- (d) in person,*

by an elector to the returning officer of the elector's electoral division at any time between the issue of the writ and the closing of polls on polling day.

(3) On receipt of an application under this section, the returning officer or election clerk shall

- (a) enter in the Special Ballot Poll Book*
 - (i) the elector's name and where the elector is ordinarily resident, and*
 - (ii) the name and number of the polling subdivision in which the elector resides,*
- and*
- (b) cause the appropriate forms to be provided to the applicant.*

(4) The returning officer may delegate to the administrative assistant any functions of the returning officer or election clerk under this section and sections 117 and 118.

- (ii) **in clause (b) by adding** “after the writ of election has been issued,” **before** “cause”.

64 Section 118 is amended

- (a) **in subsection (3) by adding** “or the person designated by the Chief Electoral Officer” **after** “returning officer”;
- (b) **in subsection (4) by striking out** “or election clerk” **and substituting** “, election clerk or person designated by the Chief Electoral Officer”;
- (c) **in subsection (5) by striking out** “or election clerk,” **wherever it occurs and substituting** “, election clerk or person designated by the Chief Electoral Officer”;
- (d) **in subsection (6) by striking out** “, and the authorized election officers shall proceed in accordance with section 113 as if the ballot box were from an advance poll”;
- (e) **by inserting the following after subsection (6):**

(6.01) Counting of Special Ballots shall proceed

- (a) in the case of ballot boxes delivered under subsection (6), in accordance with section 113 as if the ballot box were from an advance poll,
- (b) in the case of Special Ballots in the sealed ballot box referred to in subsection (5)(a)(v) in the possession of the person designated by the Chief Electoral Officer, in the following manner:
 - (i) the authorized election officers shall, in the presence of any candidates or their official agents or scrutineers who attend, open the ballot box and proceed to count the votes;
 - (ii) sections 111 and 112 apply, with all necessary modifications, to the count.

64 Section 118 presently reads in part:

(3) The outer envelope, when sealed, shall be forwarded so that it reaches the returning officer not later than the close of the polling places on polling day.

(4) On receipt of the outer envelope, the returning officer or election clerk shall remove and open the certificate envelope and determine

(a) whether the name on the certificate envelope is the same as that of a person already entered in the Special Ballot Poll Book under section 116,

(b) whether a copy of the prescribed identification document or documents has been included, and

(c) whether part 1 of the certificate has been properly completed.

(5) On determining that the voter is recorded in the Special Ballot Poll Book, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,

(a) if the returning officer or election clerk is satisfied as to the voter's eligibility to vote,

(i) sign part 2 of the certificate,

(ii) if the voter's name appears on the list of electors for the polling subdivision in which the voter is entitled to vote, put a line through the voter's name and enter opposite the name of that person on the list of electors the word "special",

(iii) if the voter's name does not appear on the list of electors for the polling subdivision in which the voter is entitled to vote, enter the voter's name on the list of electors and put

a line through the voter's name and enter opposite the name of that voter on the list of electors the word "special",

- (iv) record in the Special Ballot Poll Book in the appropriate column the date the returning officer or election clerk received the certificate envelope,*
- (v) remove the sealed ballot envelope from the certificate envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot",*
- (vi) enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and*
- (vii) retain the certificate envelope and the copy of the identification document or documents and forward them to the Chief Electoral Officer in accordance with section 142,*

or

- (b) if the returning officer or election clerk is not satisfied as to the voter's eligibility to vote,*
 - (i) retain the certificate envelope and its contents,*
 - (ii) treat the ballot in the envelope as a rejected ballot, and*
 - (iii) mark the certificate envelope accordingly.*

(6) At the close of the polling place on polling day, the returning officer shall deliver the sealed ballot box referred to in subsection (5)(a)(v) to the authorized election officers in the electoral division and advise them of the names of the electors who have voted by Special Ballot, and the authorized election officers shall proceed in accordance with section 113 as if the ballot box were from an advance poll.

65 Section 120 is amended

(a) in subsection (1)

- (i) in clause (a) by striking out** “in-patients who are electors, and” **and substituting** “electors who are in-patients,”;
- (ii) in clause (b) by striking out** “residents who are electors” **and substituting** “electors who are residents”;
- (iii) by adding the following after clause (b):**
 - (c) any shelters, including emergency shelters, having not fewer than 10 electors who are residents, and
 - (d) any community support centres having not fewer than 10 electors who are receiving support or services from that community support centre.

(b) in subsection (2)

- (i) by striking out** “subsection (1)” **and substituting** “subsection (1)(a) or (b)”;
- (ii) by striking out** “immediately after nomination day,”;
- (iii) in clause (b)**

(A) in subclause (i) by striking out “and”;

(B) by adding the following after subclause (i):

- (i.1) determine whether a mobile poll will be held on any one or more days fixed for an advance poll and, if so, fix the hours when that mobile poll will operate at the facility, and

(c) by adding the following after subsection (2):

(3) If a returning officer determines that there are facilities as described in subsection (1)(c) or (d), the returning officer shall

- (a) determine, in consultation with an official of each facility, whether a mobile poll should be held at the facility,

65 Section 120 presently reads:

120(1) Each returning officer shall, following receipt of a writ, determine if there are in the electoral division

(a) any treatment centres having not fewer than 10 in-patients who are electors, and

(b) any supportive living facilities having not fewer than 10 residents who are electors.

(2) If a returning officer determines that there are facilities as described in subsection (1), the returning officer shall, immediately after nomination day,

(a) determine, in consultation with an official of each supportive living facility, whether a mobile poll should be held at the facility,

(b) in consultation with an official of each supportive living facility where a poll is to be held and with an official of each treatment centre

(i) fix the hours on polling day when a mobile poll will operate at the facility, and

(ii) determine the number of mobile polls to be established within the facility and the format that each mobile poll is to take as either fixed location or bed-to-bed visitations, or both,

and

(c) appoint a deputy returning officer and poll clerk for each mobile poll so required.

- (b) in consultation with an official of each facility where a poll is to be held
 - (i) fix the hours on polling day when a mobile poll will operate at the facility,
 - (ii) determine whether a mobile poll will be held on any one or more days fixed for an advance poll and, if so, fix the hours when that mobile poll will operate at the facility, and
 - (iii) determine the number of mobile polls to be established within the facility and the format that each mobile poll is to take,

and

- (c) appoint a deputy returning officer and poll clerk for each mobile poll so required.

(4) An official of a facility referred to in subsection (1)(c) or (d) shall not unreasonably withhold consent to hold a mobile poll in that facility.

(5) If the official referred to in subsection (4) withholds consent to hold a mobile poll in a facility, the official shall provide the returning officer with written reasons for the withholding of consent.

66 Section 121 is amended by striking out “a treatment centre or a supportive living facility” **and substituting** “a facility referred to in section 120(1)”.

67 Section 122 is amended

- (a) in subsection (1)(e) by striking out** “treatment centre or supportive living”;
- (b) in subsection (2)**

66 Section 121 presently reads:

121 Electors who are acknowledged by an official of a treatment centre or a supportive living facility where a mobile poll is to be held to be in-patients or residents of that facility on polling day are deemed to be ordinarily resident in the electoral division in which the facility is located if they have not already voted in the election.

67 Section 122 presently reads in part:

122(1) Subject to subsection (2), only the following persons may remain at a mobile poll during polling hours:

- (i) **by adding** “or an emergency shelter” **after** “treatment centre”;
- (ii) **in clause (d) by adding** “or emergency shelter” **after** “treatment centre”.

68 Section 123 is amended

- (a) **in subsection (1) by striking out** “treatment centre or supportive living”;
- (b) **by adding the following after subsection (3):**
 - (3.1) An elector eligible to vote who is a resident of an emergency shelter or is receiving services or support from a community support centre
 - (a) shall, if the elector’s name does not appear on the list of electors, sign the required declaration before voting, and
 - (b) may, if necessary, vote in accordance with section 96.
- (c) **in subsection (4) by striking out** “treatment centre or supportive living”;
- (d) **in subsection (6)**
 - (i) **by striking out** “Seals placed on a ballot box” **and substituting** “Sealing material on a ballot box”;
 - (ii) **by striking out** “they are placed on it” **and substituting** “it is applied”;
- (e) **in subsection (7) by striking out** “the seals have been affixed” **and substituting** “the seal has been applied”.

(e) a member of the staff of the treatment centre or supportive living facility;

(2) If in the opinion of a member of the staff of a treatment centre it is advisable to do so, the deputy returning officer may limit the persons present at a mobile poll to

(a) the deputy returning officer,

(b) the poll clerk,

(c) an interpreter, and

(d) a member of the treatment centre staff.

68 Section 123 presently reads in part:

123(1) The ballots used at the taking of the vote at a mobile poll at a treatment centre or supportive living facility shall be the ballots being used for the election in the electoral division in which the facility is situated.

(3) An elector eligible to vote who is a resident of a supportive living facility

(a) shall, if the elector's name does not appear on the list of electors, sign the required declaration before voting, and

(b) may, if necessary, vote in accordance with section 96.

(4) An official of the treatment centre or supportive living facility shall, on the close of the taking of the poll at the facility, endorse the poll book by affixing the official's signature immediately under the last name in the poll book certifying that the persons named in the poll book are in-patients or residents in accordance with section 121.

(6) Seals placed on a ballot box shall not be removed from the time they are placed on it until the mobile poll is commenced at another location or until the close of polls on polling day.

(7) The deputy returning officer shall, after the seals have been affixed pursuant to subsection (5), take charge of and safely keep the ballot box until the close of polls on polling day, when the ballots shall be counted in accordance with section 111.

69 Section 125 is amended by striking out “treatment centre and every supportive living”.

70 The following is added after section 125:

Special mobile polls

125.1(1) A returning officer, in consultation with the Chief Electoral Officer, may establish one or more special mobile polls in accordance with this section.

(2) Facilities at which a special mobile poll may be established include the following:

- (a) facilities on the campuses of public post-secondary institutions;
- (b) work camps;
- (c) correctional institutions under the *Corrections Act*, penitentiaries under the *Corrections and Conditional Release Act* (Canada) and places of custody under the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada);
- (d) any public building determined by the Chief Electoral Officer to be secure and suitable for the purposes of a special mobile poll.

(3) A returning officer, in consultation with the Chief Electoral Officer, shall not establish a special mobile poll in a facility if the Chief Electoral Officer determines that the facility does not meet safety, security and any other standards established by the Chief Electoral Officer for polling places.

(4) A returning officer shall

- (a) determine, in consultation with an official of each facility set out in subsection (2)(a), (b) and (c), whether a special mobile poll should be held at the facility,

69 Section 125 presently reads:

125 Every treatment centre and every supportive living facility at which one or more mobile polls are established is a polling place under this Act and all relevant provisions of this Act apply with all necessary modifications.

70 Special mobile polls; voting at a special mobile poll; application of Act to special mobile polls.

- (b) in consultation with an official of each facility where a special mobile poll is to be held, fix the hours on any one or more days fixed for advance polling when a special mobile poll will operate at the facility, and
- (c) appoint a deputy returning officer, poll clerk and other election officers if required for each special mobile poll.

(5) When a person who is an elector attends to vote at the special mobile poll, the deputy returning officer shall

- (a) if the person's name appears on a list of electors, enter opposite the name of that person on the list of electors in the appropriate column a check mark or other annotation indicating that the elector voted in the special mobile poll, or
- (b) if the person's name does not appear on any list of electors,
 - (i) require the person to comply with section 95(1) or (2), and
 - (ii) enter the person's name and address on the list of electors and enter in the appropriate column in the poll book a check mark or other annotation indicating that the voter signed a declaration in accordance with section 95(1) or signed a declaration and was vouched for in accordance with section 95(2), and voted in the special mobile poll.

(6) The deputy returning officer shall advise the returning officer of the names and electoral divisions of all electors who voted at the deputy returning officer's special mobile poll, and the Chief Electoral Officer shall, prior to polling day, advise each returning officer of the names of the electors for their respective electoral division who have so voted.

Voting at a special mobile poll

125.2 An elector at a special mobile poll may only vote for a candidate in the electoral division where the elector is ordinarily resident.

Application of Act to special mobile polls

125.3 Every facility at which one or more special mobile polls are established is a polling place under this Act and all relevant provisions of this Act apply with all necessary modifications.

71 Section 133(1) is amended by adding “and section 133.1” after “this section”.

72 The following is added after section 133:

Canvassing in a multiple dwelling site before the campaign period

133.1(1) For the purposes of section 133, as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division, the candidate and one campaign worker for that candidate are eligible to canvass in a multiple dwelling site.

(2) A campaign worker may canvass in a multiple dwelling site under this section only if the campaign worker is accompanied by the candidate.

(3) For the purposes of this section, a candidate under subsection (1) is not required to file nomination papers or pay the \$500 deposit under section 61.

(4) As soon as a registered party has submitted the full name of the person selected for endorsement as the official candidate of the registered party for an electoral division to the Chief Electoral Officer under section 9.3 of the *Election Finances and Contributions Disclosure Act*, the Chief Electoral Officer shall on the request of a candidate, provide the candidate with identification stating that the candidate is the official candidate for the registered party.

71 Section 133(1) presently reads:

133(1) In this section, “multiple dwelling site” means

- (a) an apartment building, condominium building or other multiple residence building, or*
- (b) any site in which more than one residence is contained, including a mobile home park, gated community and any similar site.*

72 Canvassing in a multiple dwelling site before the campaign period.

(5) The candidate referred to in subsection (4) shall request identification from the Chief Electoral Officer for the campaign worker who will be canvassing with or on behalf of the candidate.

(6) This section applies as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division and ends at the start of a campaign period.

73 The following is added after section 134:

Restrictions on government advertising

134.1(1) In this section and section 134.2,

- (a) “by-election period” means the period commencing with the issue of the writ for a by-election and ending at the end of polling day;
- (b) “department” means a department established under section 2 of the *Government Organization Act*;
- (c) “election period” means the period commencing with the issue of the writ for a general election and ending at the end of polling day;
- (d) “Provincial corporation” means a Provincial corporation as defined in the *Financial Administration Act*.

(2) During an election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities unless the advertisement or publication

- (a) is required by law,
- (b) is required at that time
 - (i) to solicit proposals or tenders for contracts or applications for employment, or
 - (ii) because it relates to important matters of public health or safety,

or

73 Restrictions on government advertising; complaints to Election Commissioner.

- (c) is a continuation of earlier publications or advertisements and is required for ongoing programs of a department or a Provincial corporation.

(3) During a by-election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities that has a disproportionate impact on voters in the electoral division in which the by-election is being held unless the advertisement or publication

- (a) is required by law,
- (b) is required at that time
 - (i) to solicit proposals or tenders for contracts or applications for employment, or
 - (ii) because it relates to important matters of public health or safety,
- (c) is a continuation of earlier publications or advertisements and is required for ongoing programs of a department or a Provincial corporation, or
- (d) deals with a matter before the Legislative Assembly such as the Speech from the Throne, the budget, the introduction or passage of a Bill or an order or resolution of the Assembly.

(4) During an election period, the name, voice or image of a candidate who was a member of the Legislative Assembly immediately before the writ of election is issued for that election shall not appear in the advertising or publication by a department or a Provincial corporation of any information about its programs or activities.

(5) During a by-election period, the name, voice or image of a candidate who was a member of the Executive Council, but not a member of the Legislative Assembly, immediately before the writ of election is issued for that by-election shall not appear in the advertising or publication by a department or a Provincial corporation of any information about its programs or activities.

Complaints to Election Commissioner

134.2(1) Any person who believes that a department or Provincial corporation has contravened section 134.1 may file a complaint with the Election Commissioner.

(2) If the Election Commissioner finds that a department or a Provincial corporation has contravened section 134.1, the Election Commissioner may do one or both of the following:

- (a) cause the advertisement or publication to be removed or discontinued, and in the case of an advertisement or publication displayed on a sign, poster or other similar format, neither the Election Commissioner nor any person acting under the Election Commissioner's instructions is liable for trespass or damage resulting from the removal of the advertisement or publication;
- (b) publish the particulars of the violation.

(3) If the Election Commissioner finds that a department or a Provincial corporation has contravened section 134.1, the Election Commissioner shall include the particulars of the violation in the Election Commissioner's report under section 153.092.

74 Section 135(1) is amended by adding “; or within the boundaries of the land on which the building is located,” after “polling day”.

74 Section 135 presently reads:

135(1) Subject to subsection (2), no person may

(a) display inside or on the outside of, or

(b) distribute within,

a building used for a polling place at an advance poll or on polling day any election circular, card, poster, bill or other paper except those posted by the deputy returning officer or other election officials as required by this Act.

(2) When a polling place is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the office, store or facility comprising the area designated as a polling place.

75 Section 137 is amended

(a) **in subsection (6) by adding** “and submit it to the Chief Electoral Officer” **after** “Statement of Official Results”;

(b) **by adding the following after subsection (6):**

(7) The returning officer shall retain a copy of the Statement of Official Results for a period of 7 days after submitting it to the Chief Electoral Officer to allow for a possible judicial recount under this Part.

76 Section 138 is amended

(a) **in subsection (1) by striking out** “attend at the place, date and time stated in the election proclamation and announce the results of the official count and”;

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

(2) After the returning officer declares the candidate elected under subsection (1), the Chief Electoral Officer shall announce the results of the official count.

(3) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (1) or (2), the returning officer may cause it to be removed, and neither the returning officer nor any person acting under the returning officer's instructions is liable for trespass or damages resulting from or occasioned by the removal.

75 Section 137 presently reads in part:

(5) On completion of the official count of the polls, the returning officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating

- (a) the number of votes counted for each candidate under this section,*
- (b) unless clause (c) applies, the name of the candidate to be declared elected pursuant to section 138, and*
- (c) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, that the results of the election will be subject to a judicial recount under this Part.*

(6) On complying with subsection (5), the returning officer shall prepare the prescribed Statement of Official Results.

76 Section 138 presently reads:

138(1) The returning officer shall attend at the place, date and time stated in the election proclamation and announce the results of the official count and

- (a) declare elected the candidate who received the largest number of votes, or*
- (b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part.*

(2) The returning officer shall retain a copy of the Statement of Official Results for a period of 10 days after announcing the results

77 Section 141(3) is repealed.

78 Section 144(3) is amended by striking out “returning officer” and substituting “Chief Electoral Officer”.

79 Section 145(3) is amended by adding “shall be given notice and” after “following”.

80 Section 146 is amended

- (a) in subsection (6) by adding “or the person designated by the Chief Electoral Officer” after “returning officer”;**
- (b) by repealing subsection (7).**

of the official count to allow for a possible judicial recount under this Part.

77 Section 141(3) presently reads:

(3) The returning officer shall complete the updating of the register under subsection (2) within the time period set out in section 142(1).

78 Section 144(3) presently reads:

(3) An application must be filed not later than 8 days after the date the returning officer announces the results of the official count under section 138 and on the filing of the application, the clerk of the Court shall set the date of the recount not later than the 10th day after the filing of the application.

79 Section 145(3) presently reads:

(3) At any recount of votes, the returning officer and election clerk shall be present and the following may be present:

- (a) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate;*
- (b) the Chief Electoral Officer or a designate or both;*
- (c) the legal representatives of the parties.*

80 Section 146 presently reads in part:

(6) Notwithstanding subsection (5), the judge shall not open the outer envelope containing a Special Ballot if the envelope was received by the returning officer after the closing of the polling places on polling day.

(7) The judge shall as far as practicable proceed continuously with the recount from 9 a.m. to 6 p.m. or for any longer hours to which the judge and the persons present agree.

81 Section 147 is amended

(a) by renumbering it as section 147(1);

(b) in subsection (1)

(i) by adding “submit the results to the Chief Electoral Officer and the Chief Electoral Officer shall, upon having received the results,” **after** “certification,”;

(ii) in clause (a) by adding “Chief Electoral Officer and” **before** “returning officer”;

(c) by adding the following after subsection (1):

(2) After the returning officer declares the candidate elected under subsection (1), the Chief Electoral Officer shall announce the results of the recount.

(3) The judge shall retain the ballots for 3 days after certifying the result under subsection (1) and

(a) if there is an appeal under section 148, forward the ballots to the Court of Appeal, or

(b) if there is no appeal under section 148, return the ballots to the Chief Electoral Officer.

82 Section 148 is amended

(a) in subsections (1) and (6) by adding “Chief Electoral Officer and” **before** “returning officer”;

(b) by adding the following after subsection (8):

(9) After the returning officer declares the candidate elected under subsection (8)(a), the Chief Electoral Officer shall announce the results of the recount.

(10) No later than 60 days after the Court of Appeal declares the results of the election under subsection (7), the Court of Appeal shall return the ballots to the Chief Electoral Officer.

81 Section 147 presently reads:

147 On conclusion of a recount, the judge shall immediately certify the result to the returning officer, who shall, on the 3rd day after the certification,

- (a) declare elected the candidate found to have received the largest number of votes, unless the returning officer is served with a notice of appeal under section 148(1), or*
- (b) declare that the results of the election are subject to an appeal under section 148*
 - (i) if the returning officer is served with a notice of appeal under section 148(1), or*
 - (ii) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates.*

82 Section 148 presently reads in part:

148(1) Any party may appeal to the Court of Appeal from the decision of a judge of the Court of Queen's Bench respecting a recount under section 146 by serving the judge, the parties and the returning officer with a notice of appeal not later than the 2nd day following the judge's certification of the result.

(6) On receipt of the ballots and documents, the Registrar of the Court of Appeal shall set the matter down for hearing not later than the 10th day after the receipt, and shall notify the parties and the returning officer accordingly.

(7) At the conclusion of the appeal, the Court of Appeal shall declare the results of the election in accordance with its recount and shall issue to the returning officer a certificate of those results.

83 Section 151(1) is amended by striking out “section 142(1)” and substituting “sections 142(1) and 148(9)”.

84 Section 152 is amended

- (a) by adding “registered” before “candidate” wherever it occurs;**
- (b) by adding “registered” before “candidate’s official agent” wherever it occurs;**
- (c) by adding “registered” before “political party” wherever it occurs.**

(8) On receipt of the certificate of results under subsection (7), the returning officer shall

- (a) declare elected the candidate found to have received the largest number of votes, or*
- (b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that no member was elected for the electoral division.*

83 Section 151(1) presently reads:

151(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information transmitted to the Chief Electoral Officer pursuant to section 142(1).

84 Section 152 presently reads:

152(1) A candidate and the candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.

(2) If within the 30-day period described in subsection (1) a candidate in an electoral division, a candidate's official agent or a political party that has a candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of the poll books for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the candidate, official agent or political party.

(3) Information contained in documents referred to in subsections (1) and (2) may be used only for electoral purposes.

(3.1) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall take all reasonable steps to protect the poll book and the information contained in it from loss and unauthorized use.

85 The following is added after section 153:

**Part 4.1
Investigations**

**Division 1
Election Commissioner**

Appointment of Election Commissioner

153.01(1) There shall be appointed pursuant to this Act an Election Commissioner.

(2) The Election Commissioner is an officer of the Legislature.

Term of office

153.02(1) Subject to subsection (2), the Lieutenant Governor in Council shall appoint the Election Commissioner on the recommendation of the Assembly.

(3.2) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall immediately notify the Chief Electoral Officer if the poll book or the information contained in the poll book has been lost.

(3.3) On being notified under subsection (3.2), the Chief Electoral Officer shall direct the candidate, the candidate's official agent or the political party to take any action the Chief Electoral Officer considers appropriate.

(4) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.

(5) A judge may make an order under subsection (4) if the judge is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of

(a) a prosecution for an offence under this Act, or

(b) a petition questioning an election or return.

(6) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.

85 Part 4.1, Investigations.

(2) If a vacancy occurs while the Legislature is not in session, the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint an Election Commissioner to fill the vacancy, and unless that office sooner becomes vacant, the person so appointed holds office until an Election Commissioner is appointed under subsection (1), but if an appointment under subsection (1) is not made within 30 days after the commencement of the next session, the appointment under this subsection lapses and there is deemed to be another vacancy in the office of Election Commissioner.

(3) Except as provided in subsections (4) and (5), the Election Commissioner holds office for a term not exceeding 5 years and is eligible for reappointment.

(4) The Lieutenant Governor in Council, on an address of the Assembly, may suspend or remove the Election Commissioner from office for cause or incapacity.

(5) If the Legislature is not then sitting, the Lieutenant Governor in Council may suspend the Election Commissioner from office for cause or incapacity proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next sitting of the Legislature.

(6) The Election Commissioner may resign that office by filing a written notice with the Speaker of the Assembly or, if there is no Speaker or the Speaker is absent from Alberta, with the Clerk of the Assembly.

Oath of office

153.03(1) Before beginning the duties of office, the Election Commissioner shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act or the *Election Finances and Contributions Disclosure Act*, not to disclose any information received by the Office of the Election Commissioner under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Assembly.

Office of Election Commissioner

153.04(1) There shall be a department of the public service of Alberta called the Office of the Election Commissioner, consisting

of the Election Commissioner and those officers and employees appointed pursuant to the *Public Service Act* who are required to assist the Election Commissioner in carrying out the duties and functions of the Election Commissioner under this Act and the *Election Finances and Contributions Disclosure Act*.

(2) On the recommendation of the Election Commissioner, the Standing Committee may order that

- (a) any regulation, order or directive made under the *Financial Administration Act*,
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*, or
- (c) any regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act*

be inapplicable to, or be varied in respect of, the Office of the Election Commissioner or any particular employee or class of employees in the Office of the Election Commissioner.

(3) An order made under subsection (2)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

(4) An order made under subsection (2)(c) in relation to a regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act* operates notwithstanding that Act.

(5) The *Regulations Act* does not apply to orders made under subsection (2).

(6) The chair of the Standing Committee shall lay a copy of each order made under subsection (2) 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.

Immunity

153.05 No proceedings lie against the Election Commissioner, or against a person acting for or under the direction of the Election Commissioner, for anything done, or omitted to be done, in good

faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act or the *Election Finances and Contributions Disclosure Act*.

Salary of Election Commissioner

153.06 The salary of the Election Commissioner shall be in an amount fixed by the Standing Committee at the time of appointment, and shall be reviewed at least once a year by the Standing Committee.

Annual estimates

153.07(1) The Election Commissioner shall submit to the Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the various charges and expenses of the Office of the Election Commissioner in that fiscal year.

(2) The Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chair of the Committee shall present the estimate to the President of Treasury Board, Minister of Finance for presentation to the Assembly.

(3) If at any time the Legislative Assembly is not in session, the Standing Committee, or if there is no Standing Committee, the President of Treasury Board, Minister of Finance,

- (a) reports that the Election Commissioner has certified that in the public interest an expenditure of public money is urgently required in respect of any matter pertaining to the Office of the Election Commissioner, and
- (b) reports that either
 - (i) there is no supply vote under which an expenditure with respect to that matter may be made, or
 - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (3), the Assembly is deemed not to be in session during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act*.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

Records management

153.08 On the recommendation of the Election Commissioner, the Standing Committee may, subject to section 153, make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Election Commissioner, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction and their transfer to the Provincial Archives of Alberta;
- (b) establishing or governing the establishment of programs for any matter referred to in clause (a);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

Division 2 Duties and Powers of Election Commissioner

Duties and powers of the Election Commissioner

153.09(1) The Election Commissioner may, on the Election Commissioner's own initiative or at the request of the Chief Electoral Officer or another person or organization, conduct an investigation into any matter that might constitute an offence under this Act.

(2) For the purpose of conducting an investigation under this Act, the Election Commissioner has all the powers of a commissioner under the *Public Inquiries Act* as though the investigation were an inquiry under that Act.

(3) For the purpose of conducting an investigation under this Act, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association or candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(4) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (3), a representative of the Election Commissioner shall

- (a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

(5) A registered political party, registered constituency association or registered candidate shall, within 30 days after receiving a written request from the Election Commissioner or within an extended period that the Election Commissioner may determine, provide any information with respect to the affairs of the registered political party, registered constituency association or registered candidate that is reasonably required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

Notice of investigation and conclusion

153.091(1) At any time before completing an investigation referred to in section 153.09(1), the Election Commissioner shall notify any person or organization who is the subject of an investigation that the person or organization is being investigated and the nature of the matter being investigated before completing the investigation, unless the Election Commissioner believes that notification would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct an investigation, or may cease an investigation, if the Election Commissioner believes that

- (a) the matter is frivolous or vexatious, or
- (b) there are no or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Election Commissioner shall not make an adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

(4) If the Election Commissioner refuses to conduct or ceases an investigation under subsection (2) or determines that no offence was committed, the Election Commissioner

- (a) shall provide notice of that decision to
 - (i) every person or organization who
 - (A) is the subject of the investigation, or
 - (B) would have been the subject of an investigation if the Election Commissioner had not refused to conduct an investigation,

and

- (ii) every person or organization who requested an investigation, if any,

and

- (b) may, as the Election Commissioner considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 153.09(1).

Annual report

153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act and the *Election Finances and Contributions Disclosure Act*, and shall transmit the report to the Standing 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.

(2) The annual report must set out the following in respect of the previous year:

- (a) the number of complaints and allegations received by the Chief Electoral Officer or the Election Commissioner and, with respect to each complaint or allegation,
 - (i) the nature of the complaint or allegation, and
 - (ii) if and how the complaint or allegation was resolved;
- (b) the number of investigations commenced pursuant to this Act or the *Election Finances and Contributions Disclosure Act* and, with respect to each investigation,
 - (i) the nature of the act or omission giving rise to the investigation,
 - (ii) the outcome of the investigation, including any findings and decisions of the Election Commissioner, and
 - (iii) if the Election Commissioner recommends a prosecution be instituted, the outcome of the prosecution, including any fine imposed;
- (c) the number of compliance agreements entered into pursuant to this Act or the *Election Finances and Contributions Disclosure Act* and, with respect to each compliance

agreement, the nature of the act or omission giving rise to the compliance agreement;

- (d) the number of injunctions sought by the Election Commissioner under this Act or the *Election Finances and Contributions Disclosure Act* and, with respect to each injunction, the nature of the act or omission giving rise to the injunction;
- (e) the number of administrative penalties imposed or letters of reprimand issued under the Act or the *Election Finances and Contributions Disclosure Act* and, with respect to each administrative penalty or letter of reprimand, the nature of the act or omission giving rise to the administrative penalty or letter of reprimand;
- (f) any recommendations for improvement that the Election Commissioner considers appropriate;
- (g) any other matters that the Election Commissioner considers appropriate.

(3) Where, in the opinion of the Election Commissioner, it is in the public interest to do so, the Election Commissioner shall publish a special report on the Election Commissioner's website relating to any matter within the scope of the Election Commissioner's responsibilities under this Act or the *Election Finances and Contributions Disclosure Act*, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.

86 Section 153.1 is amended

- (a) **by striking out** "Chief Electoral Officer" **wherever it occurs and substituting** "Election Commissioner";
- (b) **in subsection (4) by striking out** "161" **and substituting** "163".

86 Section 153.1 presently reads:

153.1(1) If the Chief Electoral Officer is of the opinion that a person has contravened a provision of this Act, the Chief Electoral Officer may serve on the person either a notice of administrative penalty requiring the person to pay to the Crown the amount set out in the notice, or a letter of reprimand.

(2) A notice of administrative penalty must contain the following information:

- (a) *the name of the person required to pay the administrative penalty;*
- (b) *the particulars of the contravention;*
- (c) *the amount of the administrative penalty and the date by which it must be paid;*
- (d) *a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.*

(3) In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be issued, the Chief Electoral Officer must take into account the following factors:

- (a) *the severity of the contravention;*
- (b) *the degree of wilfulness or negligence in the contravention;*
- (c) *whether or not there were any mitigating factors relating to the contravention;*
- (d) *whether or not steps have been taken to prevent reoccurrence of the contravention;*
- (e) *whether or not the person has a history of non-compliance;*
- (f) *whether or not the person reported the contravention on discovery of the contravention;*
- (g) *any other factors that, in the opinion of the Chief Electoral Officer, are relevant.*

(4) The amount of an administrative penalty that may be imposed under subsection (1) must not exceed the maximum fine that could be imposed for the corresponding offence under sections 154 to 161.

(5) A person who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(6) A person who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

87 The following is added after section 153.1:

Time limit

153.2(1) A letter of reprimand or a notice of administrative penalty may not be served more than 3 years after the date on which the alleged contravention occurs.

(2) A disclosure under section 206.1(3)(a) may be made with respect to an alleged contravention that occurred before the coming into force of this section, but may not be made with respect to an alleged contravention that occurred more than 3 years before the coming into force of this section.

Appeal of administrative penalty

153.3(1) A person or entity who is served with a notice of administrative penalty under section 153.1 may appeal the Election Commissioner's decision by filing an application with the Court within 30 days from the date the notice was served.

(2) The application must be accompanied with a copy of the notice of administrative penalty and state the reasons for the appeal.

(3) A copy of the application must be served on the Election Commissioner not less than 30 days before the appeal is to be heard.

(4) The Court may, on application either before or after the time referred to in subsection (1), extend that time if it considers it appropriate to do so.

(5) On hearing the appeal, the Court may confirm, rescind or vary the amount of the administrative penalty.

(7) Subject to the right to appeal, where a person fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Chief Electoral Officer may file a copy of the notice of administrative penalty 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.

87 Time limit; appeal of administrative penalty; compliance agreements; notice of compliance agreement; failure to comply; publication of notice; application of injunction.

Compliance agreements

153.4(1) In this Part, “contracting party” means a person with whom the Election Commissioner enters into a compliance agreement under this Act.

(2) If the Election Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of this Act, except a contravention under Part 6, the Election Commissioner may enter into a compliance agreement with that person for the purpose of ensuring compliance with this Act.

(3) A compliance agreement may contain any terms and conditions that the Election Commissioner considers necessary to ensure compliance with this Act.

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 153.5.

(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the act or omission that constitutes a contravention of this Act.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

(7) When a compliance agreement is entered into, a prosecution of the contracting party for an act or omission that led to the agreement shall not be instituted and any prosecution already instituted is suspended.

(8) The Election Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Election Commissioner or contracting party at any time before it is fully executed.

Notice of compliance agreement

153.5(1) When, in the opinion of the Election Commissioner, the compliance agreement has been complied with, the Election

Commissioner shall give a notice to that effect to the contracting party.

(2) On the giving of a notice under subsection (1), any prosecution of the contracting party that is based on the act or omission in question terminates and no further prosecution shall be instituted based on that act or omission.

Failure to comply

153.6 If the Election Commissioner is of the opinion that a contracting party

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) has failed to comply with a term of the compliance agreement,

the Election Commissioner shall give notice of the failure to the contracting party, informing the contracting party that the Election Commissioner may serve a notice of administrative penalty or a letter of reprimand under section 153.1, or may consent to a prosecution in respect of the original act or omission or, if a prosecution has been suspended by section 153.4(7), that those proceedings are no longer suspended.

Publication of notice

153.7 The Election Commissioner may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

Application for injunction

153.8(1) If the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, the Election Commissioner may, during an election period, after taking into account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply by originating application to the Court for an injunction described in subsection (2).

(2) If the Court, on application by the Election Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed or is likely to

commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the Court may issue an injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act that appears to the Court to be contrary to this Act;
- (b) do any act that appears to the Court to be required by this Act.

(3) No injunction may be issued under subsection (2) unless at least 48 hours' notice is given to each person named in the application, or the urgency of the situation is such that service of notice would not be in the public interest.

88 Section 154 is amended

(a) in subsection (1)

- (i) in clause (a) by striking out “161” and substituting “163”;**
- (ii) by striking out “\$500” and substituting “\$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”;**

(b) in subsection (2) by striking out “the summary conviction procedure” and substituting “under the procedure set out in the *Provincial Offences Procedure Act*”.

89 The following is added after section 154:

Contravention of compliance agreement

154.1 A contracting party who enters into a compliance agreement under this Act and

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) fails to comply with the compliance agreement

88 Section 154 presently reads:

154(1) A person who contravenes this Act other than

(a) a contravention referred to in sections 155 to 161, or

(b) a corrupt practice referred to in Part 6,

is guilty of an offence and liable to a fine of not more than \$500.

(2) An offence under this Part shall be tried in The Provincial Court of Alberta under the summary conviction procedure.

89 Contravention of compliance agreement.

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

90 Section 155 is amended

- (a) in clause (a) by striking out “\$500” and substituting “\$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”;**
- (b) in clause (b) by striking out “\$200” and substituting “\$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.**

91 Section 157 is amended by striking out “\$1000” wherever it occurs and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.

92 Section 158 is amended by striking out “\$1000” and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.

90 Section 155 presently reads:

155 A person who, having been appointed an election officer and having taken the election officer's oath of office, neglects or refuses to perform any duty to be performed by that election officer is guilty of an offence and liable to a fine of not more than

- (a) \$500, in the case of a returning officer, and*
- (b) \$200, in the case of any other election officer.*

91 Section 157 presently reads:

157(1) A person who is not an enumerator and who represents that the person is an enumerator or displays any identification purporting to be an enumerator's identification documents is guilty of an offence and liable to a fine of not more than \$1000.

(2) A person who is not an election officer and who represents that the person is an election officer is guilty of an offence and liable to a fine of not more than \$1000.

(3) A person who is not a candidate and who represents that the person is a candidate is guilty of an offence and liable to a fine of not more than \$1000.

(4) A person who is not a campaign worker of a candidate and who represents that the person is a campaign worker of a candidate is guilty of an offence and liable to a fine of not more than \$1000.

92 Section 158 presently reads:

158 A person who contravenes section 29(3) or 133(3) is guilty of an offence and liable to a fine of not more than \$1000.

93 Section 159 is amended

- (a) in clause (a) by striking out “\$1000” and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”;**
- (b) in clause (b) by striking out “\$200” and substituting “\$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.**

94 Section 160 is amended by striking out “\$2000” and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.

95 Section 161 is amended

- (a) in clause (a) by adding “or attempts to procure” after “procures”;**
- (b) in clause (a.1) by adding “procures or attempts to procure an appointment as an election officer when the person” before “knows”;**
- (c) by striking out “\$1000” and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.**

96 Section 162(1) is amended by striking out “\$500” and substituting “\$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment”.

93 Section 159 presently reads:

159 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other document required to be posted under this Act is guilty of an offence and liable

(a) if the person is an election officer, to a fine of not more than \$1000, and

(b) in any other case, to a fine of not more than \$200.

94 Section 160 presently reads:

160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$2000.

95 Section 161 presently reads:

161 A person who

(a) procures an appointment as an election officer by false pretence, deceit or other improper means,

(a.1) knows or ought to know that he or she is ineligible to be appointed or to act as an election officer, or

(b) acts as an election officer without lawful authority,

is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

96 Section 162(1) presently reads:

162(1) A person who, because an elector has voted or is about to vote, or for the purpose of influencing an elector to vote for or against a particular candidate or registered political party, causes or permits any

97 Section 163(d) is amended by adding “19.1 or” after “section”.

98 Section 163.1(1) is amended by striking out “Chief Electoral Officer” and substituting “Election Commissioner”.

99 The following is added after section 164:

Tampering with equipment

164.1 A person commits a corrupt practice who wilfully interferes, or attempts to interfere, in any way with any equipment used to record votes, to count votes or to record who has voted in an election.

100 Section 177 is amended

- (a) in subsection (1) by striking out “\$5000” and substituting “\$50 000”;**
- (b) in subsection (2) by striking out “under the summary conviction procedure” and substituting “under the procedure set out in the *Provincial Offences Procedure Act*”.**

(a) food or beverages, or

(b) money, ticket, voucher or order for the procurement of food or beverages,

to be provided to an elector is guilty of an offence and liable to a fine of not more than \$500.

97 Section 163 presently reads in part:

163 Any person who

(d) contravenes section 20,

is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

98 Section 163.1(1) presently reads:

163.1(1) No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.

99 Tampering with equipment.

100 Section 177 presently reads:

177(1) A person who commits a corrupt practice is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

(2) An offence under this Part shall be tried in the Court of Queen's Bench under the summary conviction procedure.

101 Section 178 is amended

- (a) in subsection (2) by adding** “and the Election Commissioner” **after** “Chief Electoral Officer”;
- (b) in subsection (4) striking out** “Chief Electoral Officer receives” **and substituting** “Chief Electoral Officer and the Election Commissioner receive”.

102 Section 179(1) is amended by adding “and the Election Commissioner” **after** “Chief Electoral Officer”.

103 Section 185(2) is amended

- (a) in clause (a)(ii) by striking out** “of the election”;
- (b) in clause (b) by striking out** “149” **and substituting** “150”.

101 Section 178 presently reads in part:

(2) If the Court finds that a candidate, other than the elected candidate, is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (3), may declare the election in which the candidate was nominated void.

(4) During the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court under subsection (1) or (2), the candidate who is the subject of the report is, subject to subsection (5), prohibited from

- (a) being nominated as a candidate under this Act,*
- (b) being elected to any public office under any other Act,*
- (c) being entered on any list of electors,*
- (d) being registered as an elector,*
- (e) voting at an election, and*
- (f) holding any office at the nomination of the Crown.*

102 Section 179(1) presently reads:

179(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (2), shall declare the election void.

103 Section 185(2) presently reads in part:

(2) The petition

- (a) may be filed only by*
 - (i) a candidate defeated in the election, or*
 - (ii) a person who on the polling day of the election was qualified to vote at the election,*

104 Section 188(1) is amended by adding “and the Election Commissioner” **after** “Chief Electoral Officer”.

105 Section 195(1) is amended by adding “and the Election Commissioner” **after** “Chief Electoral Officer”.

106 Section 197(2) is amended by adding “and the Election Commissioner” **after** “facts to the Chief Electoral Officer”.

(b) *except as provided in clause (c), shall be filed with the Court within 30 days after the date of the issue of The Alberta Gazette containing the notice published pursuant to section 149, and*

104 Section 188(1) presently reads:

188(1) A copy of the petition shall, within 20 days after being filed, be served on the respondent and the Chief Electoral Officer, and service of the copy of the petition may be effected

(a) *in the way that service of a statement of claim in an ordinary civil action in the Court is effected, or*

(b) *in the manner provided by section 68.*

105 Section 195(1) presently reads:

195(1) The judge who tries the petition shall forthwith on the expiration of 14 days after the filing of the judge's directions for judgment, unless

(a) *a notice of appeal, and*

(b) *an order of a judge staying the proceedings*

has before the expiration of 14 days been filed in the clerk's office, make and forward to the Chief Electoral Officer a report of the judge's judgment including the judge's reasons.

106 Section 197(2) presently reads:

(2) If a statement is filed under subsection (1), the petitioner may enter a formal judgment declaring the election void, and if the petitioner so desires directing the respondent to pay the petitioner's costs of and incidental to the petition, and on the judgment being entered, the Court shall send a report of the facts to the Chief Electoral Officer, and on the receipt of it by the Chief Electoral Officer, the election is void and a writ of election shall issue to fill the vacancy so created.

107 Section 200 is amended by adding “and the Election Commissioner” **after** “send to the Chief Electoral Officer”.

108 The following is added after section 206:

Disclosure

206.1(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

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

- (a) disclosed by the Chief Electoral Officer to the Election Commissioner for the purpose of carrying out the Election Commissioner’s powers, duties and functions under this Act,
- (b) disclosed by the Election Commissioner to the Chief Electoral Officer for the purposes of carrying out the Chief Electoral Officer’s powers, duties and functions under this Act,

107 Section 200 presently reads:

200 On judgment being given by the Court of Appeal, the presiding judge shall forthwith send to the Chief Electoral Officer

(a) a report of the judgment and with it a copy of all reasons for judgment given by any member of the Court of Appeal, and

(b) a copy of the reasons of the trial judge for the judgment appealed from

and on the receipt by the Chief Electoral Officer of the report, the same consequences follow and the same acts shall be done as on the receipt of a report of a judge under section 195.

108 Disclosure; duty to provide document or information; duty to refer complaints and allegations and to report acts or omissions; judicial review.

- (c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,
- (d) disclosed to a registered political party if a constituency association, a registered candidate, a nomination contestant or a leadership contestant of that registered political party is the subject of an investigation under this Act,
- (e) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,
- (f) disclosed in the course of an appeal to the Court under section 153.3,
- (g) adduced in evidence at an inquiry, or
- (h) disclosed where the Election Commissioner 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.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner's website in the following circumstances:

- (a) if an administrative penalty is imposed or a letter of reprimand is issued under section 153.1;
- (b) if the Election Commissioner has provided notice under section 153.091(4) and receives a written request for disclosure from a person or organization who received the notice.

Duty to provide document or information

206.2(1) On the request of the Election Commissioner, the Chief Electoral Officer shall disclose to the Election Commissioner any document or information that the Chief Electoral Officer obtained under this Act that the Election Commissioner considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

(2) On the request of the Chief Electoral Officer, the Election Commissioner shall disclose to the Chief Electoral Officer any document or information that the Election Commissioner obtained under this Act that the Chief Electoral Officer considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

**Duty to refer complaints and allegations
and to report acts or omissions**

206.3 The Chief Electoral Officer shall within a reasonable time

- (a) refer any complaint or allegation received by the Chief Electoral Officer under this Act to the Election Commissioner, and
- (b) report any act or omission that in the Chief Electoral Officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

Judicial review

206.4 An application for judicial review of a decision or order of the Chief Electoral Officer or the Election Commissioner under this Act must be filed with the Court and served on the Chief Electoral Officer or the Election Commissioner, as the case may be, no later than 30 days from the date of the decision or order.

109 Section 207 is amended by repealing clauses (a) and (b).

110 Section 208 is repealed and the following is substituted:

Fees and expenses

208 The Chief Electoral Officer shall establish, in respect of services and expenses under this Act,

- (a) the amounts of remuneration and fees,

109 Section 207 presently reads in part:

207 The Lieutenant Governor in Council may make regulations

(a) prescribing the amounts of honoraria and fees;

(b) establishing rates for the payment of expenses;

110 Section 208 presently reads:

208 The method and procedure of applying for payment in respect of services and expenses under this Act shall be prescribed by the Chief Electoral Officer.

- (b) the rates of payment for expenses, and
- (c) the method and procedure of applying for payment.

Amends RSA 2000 cF-25

111 The *Freedom of Information and Protection of Privacy Act* is amended in section 1(m) by adding “the Election Commissioner,” after “the Chief Electoral Officer,”.

Amends SA 2003 cP-6.5

112 The *Personal Information Protection Act* is amended in section 4(3)(g) by adding the following after subclause (iii):

- (iii.1) the Election Commissioner;

Amends SA 2008 cS-4.7

113 The *Security Services and Investigators Act* is amended in section 10(o) by adding “the Election Commissioner,” after “the Chief Electoral Officer,”.

111 Amends chapter F-25 of the Revised Statutes of Alberta 2000. Section 1(m) presently reads:

1 In this Act,

(m) “officer of the Legislature” means the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate or the Public Interest Commissioner;

112 Amends chapter P-6.5 of the Statutes of Alberta, 2003. Section 4(3)(g) presently reads:

(3) This Act does not apply to the following:

(g) the collection, use or disclosure of personal information by the following officers of the Legislature if the collection, use or disclosure, as the case may be, relates to the exercise of that officer’s functions under an enactment:

(i) the Auditor General;

(ii) the Ombudsman;

(iii) the Chief Electoral Officer;

(iv) the Ethics Commissioner;

(v) the Information and Privacy Commissioner;

(vi) the Child and Youth Advocate;

(vii) the Public Interest Commissioner;

113 Amends chapter S-4.7 of the Statutes of Alberta, 2008. Section 10(o) presently reads:

Part 2
Election Finances and
Contributions Disclosure Act

Amends RSA 2000 cE-2

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

115 Section 1(1) is amended

(a) by repealing clauses (b)(iii) and (c)(ii);

(b) by repealing clause (f) and substituting the following:

(f) “election” means an election of a person as a Member of the Legislative Assembly conducted under the *Election Act*;

(c) by adding the following after clause (f):

(f.01) “Election Commissioner” means the Election Commissioner appointed under the *Election Act*;

(d) in clause (i) by striking out “and includes an election under the *Senatorial Selection Act*”;

(e) in clause (k) by striking out “or the *Senatorial Selection Act*”.

10 The following persons and classes of persons are exempt from the requirement to be licensed under this Act and the regulations:

- (o) *an officer of the Legislature, including the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate and the Public Interest Commissioner, while acting within the scope of that person's office and any person employed or engaged in any of those offices while acting within the scope of that employment or engagement capacity;*

Part 2 Election Finances and Contributions Disclosure Act

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

115 Section 1 presently reads in part:

- (b) *“campaign period” means*
 - (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,*
- (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;*
- (i) *“general election” means a general election as defined in the Election Act and includes an election under the Senatorial Selection Act;*
- (k) *“polling day” means the day fixed pursuant to the Election Act or the Senatorial Selection Act for voting at an election;*

116 Section 4(1) is amended

- (a) **by striking out** “this Act, the *Election Act* and the *Senatorial Selection Act*” **and substituting** “this Act and the *Election Act*”;
- (b) **in clause (b) by striking out** “or conduct periodic investigations of”;
- (c) **by repealing clause (b.1).**

117 Section 5 is amended

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

Powers of Chief Electoral Officer

5(1) For the purposes of carrying out an examination or inquiry referred to in section 4(1), the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the examination or inquiry were an inquiry under that Act.

- (b) **in subsection (2)**
 - (i) **by striking out** “, or conducting an investigation,”;

116 Section 4 presently reads in part:

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,

- (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,*
 - (ii.2) registered nomination contestants in relation to nomination contests, and*
 - (iii) registered third parties in relation to election advertising or political 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;*

117 Section 5 presently reads in part:

5(1) For the purpose of carrying out an examination or inquiry, or conducting an investigation, referred to in section 4(1), the Chief Electoral Officer has all the powers of a commissioner under the Public Inquiries Act as though the examination, inquiry or investigation were an inquiry under that Act.

(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, nomination candidate, leadership contestant or third party relevant to the subject-matter of

(ii) **by striking out** “examination, inquiry or investigation”
and substituting “examination or inquiry”;

(c) by adding the following after subsection (2):

(2.1) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Chief Electoral Officer shall

(a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or

(b) obtain an order from the Court.

118 Section 5.1 is repealed.

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.

118 Section 5.1 presently reads:

5.1(1) At any time before completing an investigation referred to in section 4(1)(b.1), the Chief Electoral Officer shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless the Chief Electoral Officer believes that doing so would compromise or impede the investigation.

(2) The Chief Electoral Officer may refuse to conduct or may cease an investigation if the Chief Electoral Officer is of the opinion that

(a) the matter is frivolous or vexatious, or

(b) there are no grounds or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Chief Electoral Officer shall not make any adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

(4) If the Chief Electoral Officer refuses to conduct or ceases an investigation under subsection (2), or determines that no offence was committed, the Chief Electoral Officer

(a) shall provide notice of that decision to

119 Section 5.2 is repealed and the following is substituted:

Disclosure

5.2(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who is or was employed by the Office of the Election Commissioner to carry out the duties of an Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

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

- (a) disclosed by the Chief Electoral Officer to the Election Commissioner for the purpose of carrying out the Election Commissioner's powers, duties and functions under this Act,
- (b) disclosed by the Election Commissioner to the Chief Electoral Officer for the purposes of carrying out the Chief Electoral Officer's powers, duties and functions under this Act,
- (c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,

- (i) every person or organization who
 - (A) is the subject of the investigation, or
 - (B) would have been the subject of an investigation if the Chief Electoral Officer had not refused to conduct an investigation,

and

- (ii) every person or organization who requested an investigation, if any,

and

- (b) may, as the Chief Electoral Officer considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 4(1)(b.1).

119 Section 5.2 presently reads:

5.2(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, any former Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Chief Electoral Officer shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of an examination, inquiry or investigation.

(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,*
- (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,*

- (d) disclosed to a political party if a constituency association, a registered candidate, a nomination contestant or a leadership contestant of that political party is the subject of an investigation under this Act,
- (e) 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,
- (f) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,
- (g) disclosed in a report made by the Chief Electoral Officer under section 44(1),
- (h) disclosed in the course of an appeal to the Court of Queen's Bench under section 51.03,
- (i) adduced in evidence at an inquiry, and
- (j) disclosed where the Election Commissioner 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.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner's website in the following circumstances:

- (a) subject to section 51.02(2), if an administrative penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;
- (b) if the Election Commissioner has provided notice under section 44.97(4) and receives a written request for disclosure from a person or organization who received the notice.

- (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*
 - (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.*
- (3) Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published on the Chief Electoral Officer's website in the following circumstances:*
- (a) subject to section 51.02(2), if a penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;*
 - (b) if the Chief Electoral Officer has provided notice under section 5.1(4) and receives a written request for disclosure from a person or organization who received the notice.*

Duty to provide document or information

5.3(1) On the request of the Election Commissioner, the Chief Electoral Officer shall disclose to the Election Commissioner any document or information that the Chief Electoral Officer obtained under this Act that the Election Commissioner considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

(2) On the request of the Chief Electoral Officer, the Election Commissioner shall disclose to the Chief Electoral Officer any document or information that the Election Commissioner obtained under this Act that the Chief Electoral Officer considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

**Duty to refer complaints and allegations
and to report acts or omissions**

5.4 The Chief Electoral Officer shall within a reasonable time

- (a) refer any complaint or allegation received by the Chief Electoral Officer under this Act to the Election Commissioner, and
- (b) report any act or omission that in the Chief Electoral Officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

120 Section 9(2)(b) is repealed.

120 Section 9(2) presently reads in part:

(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

(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,

121 Section 10 is amended

- (a) in subsection (1.1) by striking out** “unless that registered party had endorsed a candidate at the most recent election under the *Senatorial Selection Act*”;
- (b) by repealing subsection (2) and substituting the following:**

 - (2)** If a registered candidate who was nominated in accordance with the *Election Act* withdraws the candidate’s candidacy in accordance with that Act, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.
- (c) by repealing subsection (4).**

122 Section 12(5) is repealed.

- (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;*

121 Section 10 presently reads in part:

(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.

(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.

(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.

122 Section 12(5) presently reads:

(5) Notwithstanding subsections (3) and (4), funds held in trust under subsection (1) in respect of a candidate under the Senatorial

123 Sections 18, 20 and 21 are repealed.

Selection Act may not be transferred or paid to a registered constituency association.

123 Sections 18, 20 and 21 presently read:

18(1) For the purposes of an election under the Senatorial Selection Act, contributions by a person ordinarily resident in Alberta shall not exceed

- (a) in any year, \$15 000 to each registered party, and*
- (b) in any campaign period,*
 - (i) in respect of a registered party, the maximum amount determined in accordance with subsection (3) less any amount contributed to the party in that calendar year under clause (a), or*
 - (ii) in respect of a registered candidate, \$30 000 less, if the candidate was nominated by a registered political party for endorsement as the official candidate of that party, any amount contributed to that party in that calendar year under clause (a).*

(2) For the purposes of subsection (1)(b), contributions may be made to both the registered party and the registered candidate or candidates of that party but the aggregate of the amounts contributed may not exceed the maximum amount determined under subsection (3) less any amount contributed to the party in that calendar year under subsection (1)(a).

(3) For the purposes of subsections (1)(b)(i) and (2), the maximum amount shall not exceed \$30 000 multiplied by the number of persons to be elected for which there is a candidate.

(4) Where there is more than one candidate endorsed as the official candidates of a registered party by virtue of the number of persons to be elected, the maximum amount that may be contributed in respect of registered candidates of that political party may not exceed \$30 000 multiplied by the number of persons to be elected for which there is a candidate but in no case may more than \$30 000 be contributed to any one candidate.

124 Section 32(5) is amended by striking out “and those made in respect of an election under the *Senatorial Selection Act*”.

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

(6) 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.

20(1) No registered party or registered candidate and no person acting on behalf of a registered party or registered candidate shall accept a contribution if the registered party, registered candidate or person knows or ought to know that the amount would exceed the limits imposed by section 18.

(2) If the chief financial officer learns that a contribution was accepted by or on behalf of the registered party or registered candidate for whom the chief financial officer acts in excess of the limits imposed by section 18, 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(1) No registered constituency association or person acting for a constituency association may, in respect of an election under the Senatorial Selection Act, accept contributions for the registered party or for the candidate.

(2) If the chief financial officer of a registered constituency association learns that a contribution was accepted by the constituency association or by a person acting for the constituency association, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

124 Section 32(5) presently reads:

(5) Separate reports 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 .

125 Sections 37 and 39 are repealed.

126 The following is added after section 41.4:

Activities by third parties

41.41(1) A third party shall not incur expenses to engage in any of the following activities that support the work of registered parties, registered candidates, registered nomination contestants or registered leadership contestants:

- (a) selling memberships for a registered party;
- (b) fundraising for a registered party, registered candidate, registered leadership contestant or registered nomination contestant;
- (c) collecting or compiling information about electors or potential electors, including data and lists, where that information is shared with registered parties, registered candidates, registered leadership contestants or registered nomination contestants;
- (d) any other activity that would otherwise be part of the administrative activity of a registered party, registered candidate, registered nomination contestant or registered leadership contestant.

(2) Subsection (1) does not apply to

- (a) volunteer labour provided by a person, so long as that person does not receive any compensation to volunteer,

125 Sections 37 and 39 presently read:

37 No registered party or registered candidate may accept funds from a federal political party or electoral district association registered under the Canada Elections Act (Canada) in respect of an election under the Senatorial Selection Act.

39 Notwithstanding section 38, no registered constituency association may transfer funds or real property or goods or the use of real property or goods to or accept funds or real property or goods or the use of real property or goods from a registered political party or registered candidate in respect of an election under the Senatorial Selection Act.

126 Activities by third parties; collusion.

- (b) a petition tabled in the Legislative Assembly in accordance with the Standing Orders of the Legislative Assembly of Alberta,
- (c) a contribution by a third party who is eligible to make a contribution under section 16(1), or
- (d) an activity where the expense incurred for that activity is an election expense under this Part.

Collusion

41.42(1) A registered party, registered candidate, registered nomination contestant or registered leadership contestant shall not circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3 by colluding with a third party.

(2) A third party shall not collude with a registered party, registered candidate, registered nomination contestant or registered leadership contestant to circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3.

127 Section 44.1 is amended

(a) in subsection (1)

(i) in clause (d)

(A) in the portion preceding subclause (i) by adding “, subject to subsection (1.1),” **before** “the transmission”;

(B) in subclause (iii) by adding “or the communication” **after** “document”;

(ii) by adding the following after clause (d):

(d.1) “election advertising 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 December 1 in the year immediately preceding the year in which a

127 Section 44.1(1) presently reads in part:

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

- (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,*

general election is held and ending at the end of the polling day, or

- (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 at the end of the polling day;

(iii) in clause (g)

(A) in the portion preceding subclause (i) by adding “, subject to subsection (1.1),” **before** “the transmission”;

(B) in subclause (iii) by adding “or the communication” **after** “document”;

(b) by adding the following after subsection (1):

(1.1) For the purposes of subsection (1)(d), “election advertising” includes

- (a) canvassing for the benefit of a registered party or registered candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a registered party or registered candidate.

(1.2) In determining a significant purpose of an event under subsection (1.1)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a registered party or registered candidate;
- (c) the extent to which an election or any registered party or registered candidate is referred to, either directly or

- (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, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,*
 - (v) *the making of telephone calls to electors only to encourage them to vote, or*
 - (vi) *advertising by the Government in any form;*
- (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,*

indirectly, in promotional materials for the event or at the event;

- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with a registered party or registered candidate.

(1.3) For the purposes of subsection (1)(g), “political advertising” includes

- (a) canvassing for the benefit of 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, and
- (b) organizing events where a significant purpose of the event is to promote or oppose 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.

(1.4) In determining a significant purpose of an event under subsection (1.3)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by 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;
- (c) the extent to which an election or any registered party, the leader of a registered party, member of the Legislative Assembly, registered nomination contestant, registered leadership contestant or registered candidate is

- (iv) *the transmission by a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,*
- (v) *the making of telephone calls to electors only to encourage them to vote, or*
- (vi) *advertising by the Government in any form;*

referred to, either directly or indirectly, in promotional materials for the event or at the event;

- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with 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.

128 Section 44.11 is amended

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

Election advertising spending limit

44.11(1) A registered third party shall not incur election advertising expenses,

- (a) if the general election is held in accordance with section 38.1(2) of the *Election Act*,
 - (i) in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on December 1 in the year immediately preceding the year in which a general election is held and ending at the end of the day preceding the day the writ is issued, and
 - (ii) in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on the day the writ is issued and ending at the end of the polling day, and
- (b) if the general election is held other than in accordance with section 38.1(2) of the *Election Act*, in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on the day the writ is issued and ending at the end of the polling day.

128 Section 44.11 presently reads:

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.

(b) by repealing subsections (2) and (3) and substituting the following:

(2) A registered third party shall not incur election advertising expenses to promote or oppose the election of one or more registered candidates in a given electoral division that exceed the following, as adjusted in accordance with section 41.5:

- (a) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, \$3000 of the amount referred to in subsection (1)(a)(i) and \$3000 of the amount referred to in subsection (1)(a)(ii), or
- (b) in the case of a general election held other than in accordance with section 38.1(2) of the *Election Act*, \$3000 of the amount referred to in subsection (1)(b).

(2.1) For the purpose of subsection (2), promoting or opposing the election of a registered candidate in a given electoral division includes

- (a) naming that candidate,
- (b) showing that candidate's likeness,
- (c) identifying that candidate by political affiliations, or
- (d) taking a position on an issue with which that candidate is particularly associated.

(3) The limits set out in subsection (2)(a) and (b) apply 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.

(c) by adding the following after subsection (5):

(5.1) A registered third party shall not circumvent, or attempt to circumvent, an expense limit set out in this Part by colluding with a registered party or registered candidate.

(5.2) A registered party, registered candidate, registered nomination contestant or registered leadership contestant shall not collude with a third party to circumvent, or attempt to circumvent, an expense limit set out in this Part.

(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.

129 Section 44.81(3) is amended by striking out “2nd, 3rd and final weeks” **and substituting** “weeks following the first week”.

130 The following provisions are amended by striking out “election period” **and substituting** “election advertising period”:

section 44.1(d) and (g);
section 44.11(6);
section 44.81(2) and (3);
section 44.9;
section 44.92(1) and (2).

131 The following is added before Part 7:

Part 6.3 Election Commissioner

Duties of Election Commissioner

44.95 The Election Commissioner, in addition to the Election Commissioner’s powers and duties under the *Election Act*,

- (a) may 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,
 - (iii) registered leadership contestants in relation to leadership contests,
 - (iv) registered nomination contestants in relation to nomination contests, and
 - (v) registered third parties in relation to election advertising or political advertising under Part 6.1,

129 Section 44.81(3) presently reads:

(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.

130 Updates terminology.

131 Part 6.3, Election Commissioner.

and

- (b) may, on the Election Commissioner's own initiative or at the request of the Chief Electoral Officer or another person or organization, conduct an investigation into any matter that might constitute an offence under this Act.

Powers of Election Commissioner

44.96(1) For the purpose of conducting an investigation referred to in section 44.95, the Election Commissioner has all the powers of a commissioner under the *Public Inquiries Act* as though the investigation were an inquiry under that Act.

(2) For the purpose of conducting an investigation referred to in section 44.95, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, 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, nomination candidate, leadership contestant or third party relevant to the subject-matter of the 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) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Election Commissioner shall

- (a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

(4) A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party shall, within 30 days after receiving a written request from the Election Commissioner or within an extended period that the Election Commissioner may determine, provide any information with respect to the financial affairs of the registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party that is reasonably

required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

Notice of investigation and conclusion

44.97(1) At any time before completing an investigation referred to in section 44.95(b), the Election Commissioner shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless the Election Commissioner believes that doing so would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct or may cease an investigation if the Election Commissioner is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no grounds or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Election Commissioner shall not make any adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

(4) If the Election Commissioner refuses to conduct or ceases an investigation under subsection (2), or determines that no offence was committed, the Election Commissioner

- (a) shall provide notice of that decision to
 - (i) every person or organization who
 - (A) is the subject of the investigation, or
 - (B) would have been the subject of an investigation if the Election Commissioner had not refused to conduct an investigation,
 - and
 - (ii) every person or organization who requested an investigation, if any,

and

- (b) may, as the Election Commissioner considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 44.95(b).

132 Section 48.2 is amended by adding “or the Election Commissioner” after “Chief Electoral Officer”.

133 The following is added after section 50:

Contravention of compliance agreement

50.1 A contracting party who enters into a compliance agreement under this Act and

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) fails to comply with the compliance agreement

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

134 Section 51(1) and (2) are amended by striking out “Chief Electoral Officer” wherever it occurs and substituting “Election Commissioner”.

132 Section 48.2 presently reads:

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.

133 Contravention of compliance agreement.

134 Section 51(1) and (2) presently read:

51(1) When the Chief Electoral Officer is satisfied that any person, corporation, trade union or employee organization has made one or more contributions in excess of an amount permitted under this Act, the Chief Electoral Officer may by written notice require that person, corporation, trade union or employee organization to pay a penalty in an amount named in the notice not exceeding the amount by which the contribution or contributions exceeded the amount permitted under this Act or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

135 Section 51.01 is amended by striking out “Chief Electoral Officer” wherever it occurs and substituting “Election Commissioner”.

(2) When the Chief Electoral Officer is satisfied that a prohibited corporation has made a contribution in contravention of section 16, the Chief Electoral Officer may by written notice require the prohibited corporation to pay a penalty in an amount named in the notice not exceeding the amount contributed or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

135 Section 51.01 presently reads:

51.01(1) In subsections (2) and (3) and section 51.03, “person or entity” means the person, corporation, trade union, employee organization, prohibited corporation, political party, constituency association or third party, as the case may be, on whom a notice of administrative penalty or letter of reprimand is served under this section.

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

(3) A notice of administrative penalty must contain the following information:

- (a) the name of the person or entity required to pay the administrative penalty;*
- (b) the particulars of the contravention;*
- (c) the amount of the administrative penalty and the date by which it must be paid;*
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.*

(4) In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be issued, the Chief Electoral Officer must take into account the following factors:

- (a) the severity of the contravention;*
- (b) the degree of wilfulness or negligence in the contravention;*
- (c) whether or not there were any mitigating factors relating to the contravention;*
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;*
- (e) whether or not the person or entity has a history of non-compliance;*
- (f) whether or not the person or entity reported the contravention on discovery of the contravention;*
- (g) any other factors that, in the opinion of the Chief Electoral Officer, are relevant.*

(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*

136 Section 51.03 is amended

- (a) in subsection (1) by striking out “Chief Electoral Officer’s” and substituting “Election Commissioner’s”;**
- (b) in subsection (3) by striking out “Chief Electoral Officer” and substituting “Election Commissioner”.**

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 or 44.2(3), 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.

(6) A person or entity who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(7) A person or entity who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

(8) Subject to the right to appeal, where a person or entity fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Chief Electoral Officer may file a copy of the notice of administrative penalty 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.

136 Section 51.03 presently reads in part:

51.03(1) A person or entity who is served with a notice of administrative penalty under section 51.01 may appeal the Chief Electoral Officer's decision by filing an application with the Court

137 The following is added after section 51.03:

Compliance agreements

51.04(1) In this Part, “contracting party” means a person with whom the Election Commissioner enters into a compliance agreement under this Act.

(2) If the Election Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of this Act, the Election Commissioner may enter into a compliance agreement with that person for the purpose of ensuring compliance with this Act.

(3) A compliance agreement may contain any terms and conditions that the Election Commissioner considers necessary to ensure compliance with this Act.

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 51.07.

(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the act or omission that constitutes a contravention of this Act.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

(7) When a compliance agreement is entered into, a prosecution of the contracting party for an act or omission that led to the agreement shall not be instituted and any prosecution already instituted is suspended.

of Queen's Bench within 30 days from the date the notice was served.

(3) A copy of the application must be served on the Chief Electoral Officer not less than 30 days before the appeal is to be heard.

137 Compliance agreements; notice of compliance agreement; failure to comply; publication of notice; application for injunction.

(8) The Election Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Election Commissioner or contracting party at any time before it is fully executed.

Notice of compliance agreement

51.05(1) When, in the opinion of the Election Commissioner, the compliance agreement has been complied with, the Election Commissioner shall give a notice to that effect to the contracting party.

(2) On the giving of a notice under subsection (1), any prosecution of the contracting party that is based on the act or omission in question terminates and no further prosecution shall be instituted based on that act or omission.

Failure to comply

51.06 If the Election Commissioner is of the opinion that a contracting party

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) has failed to comply with a term of the compliance agreement,

the Election Commissioner shall give notice of the failure to the contracting party, informing the contracting party that the Election Commissioner may serve a notice of administrative penalty or a letter of reprimand under section 51.01, or may consent to a prosecution in respect of the original act or omission or, if a prosecution has been suspended by section 51.04(7), that those proceedings are no longer suspended.

Publication of notice

51.07 The Election Commissioner may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

Application for injunction

51.08(1) If the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, the Election Commissioner may, during an election period, after taking into

account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply by originating application to the Court for an injunction described in subsection (2).

(2) If the Court, on application by the Election Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the Court may issue an injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act that appears to the Court to be contrary to this Act;
- (b) do any act that appears to the Court to be required by this Act.

(3) No injunction may be issued under subsection (2) unless at least 48 hours' notice is given to each person named in the application, or the urgency of the situation is such that service of notice would not be in the public interest.

138 Section 51.1(1) is amended by striking out “Chief Electoral Officer” and substituting “Election Commissioner”.

139 Section 53 is amended by striking out “Chief Electoral Officer” and substituting “Election Commissioner”.

138 Section 51.1(1) presently reads:

51.1(1) Where a contribution has been made or accepted in contravention of this Act, the Chief Electoral Officer may order that the amount of the contribution that was made or accepted in contravention of this Act be returned to the contributor.

139 Section 53 presently reads:

53 No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.

140 The following is added after section 53:

Judicial review

54 An application for judicial review of a decision or order of the Chief Electoral Officer or the Election Commissioner under this Act must be filed with the Court of Queen’s Bench and served on the Chief Electoral Officer or the Election Commissioner, as the case may be, no later than 30 days from the date of the decision or order.

**Part 3
Transitional and Coming into Force**

Transitional

141(1) In this section and section 142,

- (a) “former *Election Act*” means the *Election Act* as it read immediately before the coming into force of this section;
- (b) “former *Election Finances and Contributions Disclosure Act*” means the *Election Finances and Contributions Disclosure Act* as it read immediately before the coming into force of this section;
- (c) “new *Election Act*” means the *Election Act* as amended by this Act;
- (d) “new *Election Finances and Contributions Disclosure Act*” means the *Election Finances and Contributions Disclosure Act* as amended by this Act;
- (e) “this Act” means *An Act to Strengthen and Protect Democracy in Alberta*.

(2) Where the Chief Electoral Officer under the former *Election Act* has commenced an investigation that is not completed before the Election Commissioner is appointed under section 153.02 of the new *Election Act*, the Chief Electoral Officer shall continue the investigation to its conclusion, including, if applicable, the imposition of any administrative penalty or issuance of any letter of reprimand, in accordance with the former *Election Act*.

(3) Where the Chief Electoral Officer under the former *Election Finances and Contributions Disclosure Act* has commenced an

140 Judicial review.

Part 3
Transitional and Coming into Force

141 Transitional.

investigation that is not completed before the Election Commissioner is appointed under section 153.02 of the new *Election Act*, the Chief Electoral Officer shall continue the investigation to its conclusion, including, if applicable, the imposition of any administrative penalty or issuance of any letter of reprimand, in accordance with the former *Election Finances and Contributions Disclosure Act*.

(4) For greater certainty,

- (a) the former *Election Act* rather than the new *Election Act* continues to apply for all purposes with respect to an investigation referred to in subsection (2);
- (b) the former *Election Finances and Contributions Disclosure Act* rather than the new *Election Finances and Contributions Disclosure Act* continues to apply for all purposes with respect to an investigation referred to in subsection (3).

(5) The Lieutenant Governor in Council may make regulations respecting any matter related to the continuation of investigations by the Chief Electoral Officer pursuant to subsection (2) or (3).

Transitional

142 Before the Election Commissioner is appointed under section 153.02 of the new *Election Act*, a reference in section 134.2 of the new *Election Act* to the Election Commissioner shall be read as a reference to the Chief Electoral Officer.

Application

143 This Act with respect to a by-election applies only to a by-election the writ for which is issued on or after January 1, 2018.

144(1) Subject to subsection (2), this Act, except sections 1, 114 and this section, come into force on January 1, 2018.

(2) The following provisions come into force on Proclamation:

- section 2(a)(iii);
- section 5(g);
- section 7;
- section 8;

142 Transitional.

143 Application of Act.

144 Coming into force.

section 13;
section 85;
section 86(a);
section 87;
section 89;
section 98;
section 101;
section 102;
sections 104 to 108;
sections 111 to 113;
section 115(c);
section 116(b) and (c);
sections 117 to 119;
sections 131 to 141.

