

2017 Bill 214

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 214

**AN ACT TO REGULATE POLITICAL
ACTION COMMITTEES**

DR. SWANN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 214
Dr. Swann

BILL 214

2017

AN ACT TO REGULATE POLITICAL ACTION COMMITTEES

(Assented to _____, 2017)

WHEREAS political action committees in Alberta are increasingly rivalling political parties in terms of their fundraising and clout;

WHEREAS no legal framework currently exists in Alberta to regulate political action committees as distinguished from third party advertisers;

WHEREAS Alberta's third party advertising laws do not adequately regulate the various means of political promotion in which political action committees are engaged;

WHEREAS election officials in Alberta have expressed concern that political action committees represent a means of circumventing Alberta's campaign finance laws; and

WHEREAS regulating political action committees is necessary and desirable to maintain the integrity of democracy in Alberta;

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

Amends RSA 2000 cE-2

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

2 Section 1 is amended by adding the following after subsection (1.1):

Explanatory Notes

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

2 Section 1(1.1) presently reads in part:

1(1.1) Terms defined in Part 6.1 relating to third parties apply to the use of those terms with respect to third parties in the rest of this Act.

- (1.2) Terms defined in Part 6.3 relating to political action committees apply to the use of those terms with respect to political action committees in the rest of this Act.
- (1.3) Any reference in this Act to a contribution in relation to a political action committee shall be deemed to be a reference to a political action contribution as that term is defined in section 44.95(1)(c).

3 Section 4(1) is amended

(a) in clause (b) by striking out “and” at the end of subclause (ii.2), by adding “and” at the end of subclause (iii) and by adding the following after subclause (iii):

- (iv) registered political action committees.

(b) by adding the following after clause (b.1):

- (b.2) may deem an advertising expense of a registered third party or a political action expense of a registered political action committee to be a campaign expense of a registered party or registered candidate if that expense was incurred with the knowledge and consent of that party or candidate;

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

- (k) with respect to a registered political action committee, shall publish
 - (i) the financial statement required to be filed with the Chief Electoral Officer under section 44.955,
 - (ii) a statement on the Chief Electoral Officer’s website as soon as reasonably possible after the date on which a report referred to in section 44.954(3) is required to be filed with the Chief Electoral Officer, which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and
 - (iii) a statement on the Chief Electoral Officer’s website within 30 days after the date on which a political action committee campaign return is required to be filed with the Chief Electoral Officer under section 44.956, which statement

3 Section 4(1) 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,

- (a) may examine all financial statements, returns or reports required to be filed with the Chief Electoral Officer;*
- (b) may inquire into or conduct periodic investigations of the financial affairs and records of*
 - (i) registered parties and registered constituency associations,*
 - (ii) registered candidates in relation to election campaigns,*
 - (ii.1) registered leadership contestants in relation to leadership contests,*
 - (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;*
- (j) with respect to a third party that engages in political advertising, shall publish a statement on the Chief Electoral Officer's website*
 - (i) within 30 days after the date on which a political advertising report is required to be filed with the Chief Electoral Officer under section 44.82(2), which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and*
 - (ii) as soon as reasonably possible after the date on which a report referred to in section 44.82(5) is required to be filed*

must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed.

4 Section 9.1(4) is amended

- (a) **in clause (a) by adding “**, a registered political action committee,” **after “another registered third party”;**
- (b) **in clause (b) by adding “**, a registered political action committee” **after “registered party”.**

5 The following is added after section 9.3:

Registration of political action committees

9.4(1) A political action committee shall apply for registration under this section

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

(2) Subject to this section, the Chief Electoral Officer shall register in the appropriate register any political action committee that is eligible to be registered and that files with the Chief Electoral Officer an application for registration setting out the following:

- (a) the name and contact information
 - (i) if the political action committee is a corporation, of the corporation and of the officer who has signing authority for it, and
 - (ii) if the political action committee is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;

with the Chief Electoral Officer, which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed.

4 Section 9.1 presently reads in part:

9.1(4) The Chief Electoral Officer shall not register a third party if, in the Chief Electoral Officer's opinion,

- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of another registered third party, or of a candidate, political party or political organization that is active anywhere in Alberta, that confusion is likely, or*
- (b) the proposed name was the name of a registered party or registered third party whose registration was cancelled or whose name was changed since the last general election.*

5 Section added concerning the registration of political action committees.

- (b) the address and telephone number of the place or places where records of the political action committee are maintained and of the place to which communications may be addressed;
- (c) the name and contact information of the chief financial officer responsible for the account of the political action committee;
- (d) the name and address of the financial institution to be used by the political action committee for the accounts into which are deposited all political action contributions made to that political action committee;
- (e) the names of the signing authorities for each account referred to in (d).

(3) The Chief Electoral Officer shall not register a political action committee if, in the Chief Electoral Officer's opinion,

- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of another registered political action committee, a registered third party, or of a candidate, political party or political organization that is active anywhere in Alberta, that confusion is likely, or
- (b) the proposed name was the name of a registered party, registered political action committee or registered third party whose registration was cancelled or whose name was changed since the last general election.

(4) The Chief Electoral Officer shall, as soon as possible after receiving an application,

- (a) determine whether the requirements set out in this section are met,
- (b) notify the persons who signed the application whether the applicant is accepted for registration, and
- (c) in the case of a refusal to register, give reasons for the refusal.

(5) When there is any change in the information required to be provided under this section, the registered political action committee shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on

receipt of the notice the Chief Electoral Officer shall vary the register of political action committees accordingly.

(6) A notice under subsection (5) may be sent by fax or electronic mail.

6 Section 10 is amended

(a) in subsection (1) by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c), and by adding the following after clause (c):

(d) a registered political action committee on application by the political action committee.

(b) by adding the following after subsection (4.1):

(4.2) If the chief financial officer of a political action committee fails to comply with section 44.954(3), 44.955 or 44.956, the Chief Electoral Officer may cancel the registration of the political action committee.

(c) in subsection (6)

(i) **by striking out “or third party” and substituting “, third party or political action committee”;**

(ii) **by adding the following after clause (d):**

(d.01) the political action committee, when the registration of that political action committee is cancelled,

(d) in subsection (9) by striking out “or” at the end of clause (c.2), by adding “or” at the end of clause (d) and by adding the following after clause (d):

(e) if the cancellation involves a political action committee, give written notification of the Chief Electoral Officer’s decision to the political action committee.

(e) by adding the following after subsection (13):

(14) When the registration of a political action committee is cancelled, all funds in the accounts of the political action committee must be dealt with in accordance with the regulations.

6 Section 10 presently reads in part:

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

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

(4.1) If the chief financial officer of a third party fails to file a report under section 44.81 or 44.82, an election advertising return or report under section 44.9 or an audited financial statement under section 44.91, the Chief Electoral Officer may cancel the registration of the third party.

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

- (a) the political party, when the registration of that political party is cancelled,*
- (b) the constituency association and the political party concerned or the independent member, as the case may be, when the registration of that constituency association is cancelled,*
- (c) the candidate and the political party concerned, if any, when the registration of that candidate is cancelled,*
- (d) the third party, when the registration of that third party is cancelled,*
- (d.1) the nomination contestant and the registered party and registered constituency association concerned when the registration of that nomination contestant is cancelled, or*
- (e) the leadership contestant and the political party concerned when the registration of that leadership contestant is cancelled,*

7 Section 10.1 is amended by striking out “and registered third party” **and substituting** “, registered third party and registered political action committee”.

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

(9) Following the review of a cancellation, the Chief Electoral Officer may withdraw or confirm the cancellation of the registration of the political party, constituency association, candidate, nomination contestant, leadership contestant or third party, as the case may be, and shall,

- (a) if the cancellation involves a political party, give written notification of the Chief Electoral Officer's decision to the political party,*
- (b) if the cancellation involves a constituency association, give written notification of the Chief Electoral Officer's decision to the constituency association and the political party concerned,*
- (c) if the cancellation involves a candidate, give written notification of the Chief Electoral Officer's decision to the candidate and registered party, if any*
 - (c.1) if the cancellation involves a nomination contestant, give written notification of the Chief Electoral Officer's decision to the nomination contestant and the registered party and registered constituency association concerned,*
 - (c.2) if the cancellation involves a leadership contestant, give written notification of the Chief Electoral Officer's decision to the leadership contestant and the registered party concerned, or*
- (d) if the cancellation involves a third party, give written notification of the Chief Electoral Officer's decision to the third party.*

(13) When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 44.9.

7 Section 10.1 presently reads:

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

8 Section 17(1) is amended by adding the following after clause (e):

- (f) a registered political action committee.

9 Section 34(2) is amended by striking out “registered leadership contestant or person” and substituting “registered leadership contestant, registered political action committee or person”.

10 Section 41(8) is amended by striking out “section 42” and substituting “section 42 or section 44.955, a political action committee campaign return under section 44.956”;

11 Section 44.1(1)(i) is amended by adding the following after subclause (v):

- (vi) a registered political action committee.

8 Section 17 presently reads in part:

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

- (a) a registered party;*
- (b) a registered constituency association;*
- (c) a registered candidate;*
- (d) a registered nomination contestant;*
- (e) a registered leadership contestant.*

9 Section 34 presently reads in part:

34(2) No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant and no person acting on behalf of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or person knows or ought to know that the contribution is contrary to subsection (1).

10 Section 41 presently reads in part:

41(8) A guarantee made or the providing of collateral security under subsection (1) in a year must be recorded by the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant, as the case may be, and the details of the guarantee or of the providing of the collateral security must be included in a financial statement under section 42 or a campaign return under sections 43 to 43.02, as applicable.

11 Section 44.1(1) presently reads in part:

44.1(1)(i) "third party" means a person, corporation or group, but does not include the following:

- (i) a registered party;*
- (ii) a registered constituency association;*
- (iii) a registered candidate or member of the Legislative Assembly;*

12 The following is added after Part 6.1:

**Part 6.3
Political Action Committees**

Definitions

44.95(1) In this Part,

- (a) “group” means an unincorporated group of persons or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of persons, corporations, trade unions or employee organizations;
- (b) “political action committee” means a corporation or group established or maintained for the primary purpose of accepting political action contributions and incurring political action expenses to engage in political promotion but does not include
 - (i) a registered party, or
 - (ii) a registered constituency association.
- (c) “political action contribution” means, subject to subsection (2),
 - (i) money provided to or for the benefit of a political action committee, or
 - (ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a political action committee,

without compensation from that political action committee, whether provided before or after the political action committee becomes registered under section 9.4;
- (d) “political action expense” means an expense incurred in relation to political promotion;
- (e) “political promotion” means any activity undertaken to publicly promote or oppose, or to organize or support the public promotion or opposition of, a registered party, the

(iv) *a registered nomination contestant;*

(v) *a registered leadership contestant.*

12 Adds Part 6.3, Political Action Committees.

leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant, the election of a registered candidate, or an issue with which a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, registered leadership contestant or registered candidate is associated, including engaging in election advertising or political advertising as those terms are defined in Part 6.1, but does not include any activity prescribed by the regulations.

(2) For the purposes of subsection (1)(c), “services” does not include

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

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

(3) The Chief Electoral Officer may issue guidelines respecting the application of this Part and shall publish any guidelines on the Chief Electoral Officer’s website.

Chief financial officer

44.951(1) Every registered political action committee shall appoint a chief financial officer.

(2) Every political action expense that is incurred by or on behalf of a registered political action committee must be authorized by its chief financial officer.

(3) No political action contribution shall be accepted by a registered political action committee otherwise than through the political action committee’s chief financial officer.

(4) The chief financial officer may delegate a function described in subsection (2) or (3) to another person, but the delegation does not limit the chief financial officer’s responsibility.

(5) The chief financial officer

- (a) must perform any additional duties prescribed by the regulations, and
- (b) may only deal with funds held within an account of a political action committee, including any transfers of those funds, in accordance with this Act and the regulations.

Election advertising spending limit

44.952(1) The spending limit applicable to registered third parties with respect to election advertising in section 44.11 shall apply to registered political action committees.

(2) A political action committee shall not circumvent, or attempt to circumvent, a limit set out in section 44.11 in any manner, including by splitting itself into 2 or more political action committees or third parties for the purpose of circumventing a limit or acting in collusion with another political action committee or third party so that their combined expenses exceed a limit.

(3) In accordance with any guidelines issued by the Chief Electoral Officer, the chief financial officer of a registered political action committee shall, if required by the guidelines, prepare a political action expense limit report in the form and manner approved by the Chief Electoral Officer.

Restrictions on political action contributions and expenses

44.953(1) Subject to subsections (3), (4) and (5), no political action contribution shall be made by a person to a political action committee or used to incur political action expenses unless

- (a) the political action committee to whom the political action contribution is made is registered under section 9.4, or
- (b) the political action committee is not required to be registered under section 9.4.

(2) No political action committee required to be registered under section 9.4 and no person acting for a political action committee required to be registered under section 9.4 shall accept political action contributions or incur political action expenses unless the political action committee is registered under section 9.4.

(3) Only a person ordinarily resident in Alberta may make a contribution to a political action committee.

(4) A prohibited person or entity shall not make a contribution to a political action committee.

(5) A political action committee shall not incur political action expenses in a total amount of \$1000 or more if the political action committee is not eligible to be registered under section 9.4.

(6) No political action committee shall, directly or indirectly, accept a political action contribution if the political action committee knows or ought to know that the contribution is made in contravention of subsections (3) or (4).

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

Records of contributions

44.954(1) When any person accepts political action contributions in any year on behalf of a registered political action committee, the chief financial officer shall record all the contributions, including the names and the addresses of the contributors and the dates on which the contributions were made.

(2) The Chief Electoral Officer may require political action contributions made in respect of a particular election, leadership contest or nomination contest to be recorded or reported separately from other contributions accepted during that year.

(3) The chief financial officer of a registered political action committee shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer,

- (a) within 15 days after the end of each quarter of each year, a report setting out
 - (i) the total amount of all contributions received that did not exceed \$50 in the aggregate from any single contributor, and
 - (ii) for each contributor who made political action contributions during the quarter totalling more than \$50, the total amount contributed, together with the contributor's name and address and the amount and date of each contribution

and

- (b) within the period during which an annual financial statement must be filed under section 44.955, a return setting out for the previous year
 - (i) the total amount of all contributions received that did not exceed \$50 in the aggregate from any single contributor, and
 - (ii) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$50.

(4) For the purpose of subsection (3), the ends of each quarter of a year are as follows:

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

(5) Subject to subsection (6), the name of a contributor referred to in subsection (3)(a)(ii) and (b)(ii) who did not contribute more than \$250 in a quarter shall not be disclosed in a statement published on the Chief Electoral Officer's website under section 4(1)(k).

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

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

Filing of annual financial statements

44.955(1) On or before March 31 of each year, the chief financial officer of each registered political action committee shall file with the Chief Electoral Officer an audited financial statement, in the form and manner approved by the Chief Electoral Officer, setting

out for the previous year the revenue, expenses, assets and liabilities, excluding revenue and political action expenses that relate to a period for which a political action committee return must be filed under section 44.956.

(2) Unless otherwise directed by the Chief Electoral Officer, a registered political action committee is not required to file an audited financial statement in respect of the registered political action committee if the revenue and expenses of the registered political action committee do not each exceed \$1000.

(3) Where under subsection (2) a registered political action committee is not required to file an audited financial statement, the registered political action committee is required to file a non-audited financial statement on or before March 31 of the year in which the filing is required, including a nil return where applicable.

Filing of political action committee campaign return

44.956(1) If a registered political action committee incurs any political action expenses with respect to an election, leadership contest or nomination contest, the political action committee shall file with the Chief Electoral Officer a return including a financial statement for that election, leadership contest or nomination contest within the time and in the manner prescribed by the regulations.

(2) A return under subsection (1) shall include any information or materials required by the regulations and shall be in the form and manner approved by the Chief Electoral Officer.

Late filing fee

44.957(1) In this section, “filing deadline” means the day by which a financial statement referred to in section 44.955 is required to be filed with the Chief Electoral Officer or the date by which a return referred to in section 44.956 is required to be filed with the Chief Electoral Officer.

(2) A registered political action committee that is required to file a financial statement under section 44.955 or a return under section 44.956 and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

(3) The Chief Electoral Officer shall not cancel the registration of the registered political action committee under section 10(4.2) if the financial statement or return is filed in the case of a financial statement referred to in section 44.955 or a return referred to in section 44.956, no later than 30 days after the filing deadline.

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

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

(6) If the political action committee and the chief financial officer who are sent notices by the Chief Electoral Officer under subsection (5) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer may file a copy of the notice with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

Receipts

44.958 A political action committee shall issue receipts in the form and manner approved by the Chief Electoral Officer for every political action contribution accepted by the political action committee.

Identification of political action committees

44.959(1) A political action committee, or a person acting on a political action committee's behalf, must ensure that the political promotion carried out by the political action committee complies

- (a) with section 44.8, in respect of election advertising or political advertising as those terms are defined for the purposes of Part 6.1, in the same manner as that section applies to third parties, with any necessary modifications, and
- (b) with the guidelines of the Chief Electoral Officer with respect to any other type of political promotion.

(2) The Chief Electoral Officer may take any action permitted under section 44.8(4) with respect to political action committees as would be permitted with respect to third parties under that section.

Restrictions on election advertising

44.96 If a political action committee or any principal officer or principal member of a political action committee would not be eligible to register as a third party under section 9.1(5), that political

action committee may not engage in election advertising as that term is defined in section 44.1(d).

Regulations

44.961 The Lieutenant Governor in Council may make regulations

- (a) defining any term or phrase used but not defined in this Part;
- (b) concerning the disposition or handling of funds held by political action committees, including the handling of funds upon the cancellation of the registration of a political action committee under section 10(14);
- (c) prescribing activities that do not constitute “political promotion” for the purposes of section 44.95(1)(e);
- (d) prescribing any additional duties of a chief financial officer for the purposes of section 44.951(5)(a);
- (e) respecting debts incurred by a political action committee;
- (f) respecting requirements for political action committee campaign returns under section 44.956;
- (g) respecting any transitional matter relating to this Part and to remedy any confusion, difficulty, inconsistency or impossibility resulting from the implementation of this Part.

13 The following is added after section 47:

Prohibition on accepting certain contributions

47.1 No third party shall accept an advertising contribution and no political action committee shall accept a political action contribution from:

- (a) a registered party;
- (b) a registered constituency association;
- (c) a registered candidate;
- (d) a registered leadership contestant;
- (e) a registered nomination contestant.

14 The following is added after section 49.1:

13 Section added concerning prohibition on accepting certain contributions.

14 Political action committee offences.

Political action committee offences

49.2 A political action committee that contravenes a provision of this Act is guilty of an offence and liable to a fine not exceeding \$100 000.

15 Section 51.01 is amended

- (a) in subsection (1) by striking out “or third party” and substituting “, third party or political action committee”;**
- (b) in subsection (2)**
 - (i) in clause (b) by striking out “section 16” and substituting “section 16 or 44.953(4)”;**
 - (ii) in clause (b.1) by striking out “or a third party” and substituting “, a third party or a political action committee”;**
- (c) in subsection (5)**
 - (i) in clause (b) by striking out “section 16 or 44.2(3)” and substituting “section 16, 44.2(3) or 44.953(4)”;**
 - (ii) by adding the following after clause (d):**
 - (d.1) in the case of a contravention referred to in section 49.2, \$100 000.

15 Section 51.01 presently reads in part:

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.

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

- (a) in the case of a contravention referred to in subsection (2)(a), twice the amount by which the contribution or contributions exceed the limit prescribed by section 17(1) or 18(1), as the case may be, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;*
- (b) in the case of a contravention of section 16 or 44.2(3), twice the amount that was contributed in contravention of that provision,*

16 The following sections are amended by striking out “or third party” wherever it occurs and substituting “, third party or political action committee”:

Section 5(2)
Section 10(7), (8) and (9)
Section 51.01(1)

17 The following sections are amended by striking out “or registered third party” wherever it occurs and substituting “, registered third party or registered political action committee”:

Section 5(3)
Section 10(5)
Section 10.1
Section 29(4)
Section 48.2

18 The following sections are amended by striking out “or registered leadership contestant” wherever it occurs and substituting “, registered leadership contestant or registered political action committee”:

Section 19
Section 21.1
Section 22
Section 23
Section 24
Section 34(1), (1.1), (2) and (3)
Section 35(1)
Section 40(1)
Section 41(1), (3), (7), and (8)

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.

16 Replace “or third party” with “, third party or political action committee”.

17 Replace “or registered third party” with “, registered third party or registered political action committee”.

18 Replace “or registered leadership contestant” with “, registered leadership contestant or registered political action committee”.

19 The following sections are amended by striking out “or leadership contestant” wherever it occurs and substituting “, leadership contestant or political action committee”:

Section 24

Section 35(2)

20 This Act comes into force on Proclamation.

19 Replace “or leadership contestant” with “, leadership contestant or political action committee”.

20 Coming into force.

Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL