

1972 Bill 202

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

An Act To Amend The Election Act

MR. NOTLEY

First Reading

Second Reading

Third Reading

BILL 202

1972

AN ACT TO AMEND THE ELECTION ACT

(Assented to _____, 1972)

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

1. *The Election Act is hereby amended.*

2. *The following section is added after section 158:*

158.1 (1) No candidate, nor the organization or party to which he belongs or which supports or endorses him, nor any other supporter, agent, or endorser of the organization, party, or candidate shall separately or together before, during, or after the election, on account of the election, spend or lay out any money, or money's worth other than the donor's personal services, in excess of

(a) 25 cents per elector in the aggregate, or

(b) \$2,000 in any one electoral division.

All such money or money's worth spent or laid out in the electoral divisions shall be included in the reckoning under clause (a).

(2) No money or money's worth shall be so spent or laid out to a value in excess of \$50 by any person on his own behalf or on behalf of another without written record with the official agent of the candidate or at the headquarters of the political party to which the candidate belongs or which supports or endorses him (the proof of which written record shall be upon the person making the payment on laying out the money's worth).

(3) Any person so paying or laying out money's worth in contravention of subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

(4) Where any person and every officer of any party or organization contravenes subsection (1),

(a) that person or officer is guilty of an offence and liable on summary conviction to a fine of \$1 for every dollar spent, or dollar's worth laid out, in excess of the limits imposed, and

Explanatory Notes

This Act will curtail the power of established wealth to unfairly influence elections by large, secret payments or supply of goods or services to political parties at election time, by placing restrictions on campaign expenditure and compelling disclosure of the source of the larger election donations.

- (b) if the excess is in an electoral division in which the candidate has been elected, his election is *ipso facto* void, unless he satisfies the judge, on application, that the excess was inadvertent and trivial.

(5) For the purposes of subsection (4), clause (b), any excess over the limit imposed by subsection (1), clause (a) occurring generally shall be apportioned equally amongst all the candidates adhering to the party or organization contravening subsection (1), clause (a) and each portion shall be deemed election expenditure by the candidate in the electoral division in which he is a candidate.

3. *Section 161 is struck out and the following substituted:*

161. (1) A detailed statement of all election income and expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, and by or on behalf of the party or organization to which he belongs, or which supports or endorses him, shall

- (a) within two months after polling day, or
- (b) where by reason of the death of the creditor no claim has been sent in within such period of two months, then within one month after the claim has been sent in,

be made out in Forms 48 and 48a respectively and signed by the official agent who made the payment, or by the candidate in case of payments made by him, or by a principal officer of the party or organization in the case of the statement by the party or organization, and delivered to the returning officer in the case of the statement by the candidate, and to the Clerk of the Executive Council in the case of the statement by the party or organization, together with the bills and vouchers relating thereto.

(2) The detailed statement shall include:

- (a) all the money and money's worth referred to in section 158.1, subsection (1) which for the purposes of subsection (1) of this section is deemed income of the candidate and the party or organization respectively,
- (b) where a single item of income so defined exceeds \$50 in value, the name of the source, and
- (c) a reconciliation of income and expenditure with an explanation of the expected source of any deficit or destination of any surplus.

(3) In the case of the statement by the candidate

- (a) his deposit shall not be returned unless he and his official agent and the party or organization that supported or endorsed him have complied with

subsection (1), and the cost of the publication of the statement required by clause (c) of this subsection and subsection (4) shall be deducted from the deposit before it is returned,

- (b) the cost of publishing the statement of the party or organization shall be equally borne by the candidates adhering to that party or organization, and the Clerk of the Executive Council shall notify the returning officers of the deductions for this purpose before the deposit is returned to the candidate, and
- (c) the returning officer within 14 days after receiving the statement from the candidate shall publish it in a newspaper published or circulating in the electoral division and the returning officer shall mail a copy of the statement, together with a copy of the newspaper in which the statement was published, to the Clerk of the Executive Council.

(4) In the case of the statement by the party or organization the Clerk of the Executive Council within 14 days after receiving the statement shall publish it in three newspapers circulating generally in the province.

(5) The returning officers and the Clerk of the Executive Council shall preserve all the bills and vouchers submitted with the statements and shall during the six months next after they have been delivered permit any elector to inspect them on payment of a fee of 25 cents.

(6) A candidate or official agent and every officer of a party or organization that makes default in complying with subsection (1) and a candidate and every officer of a party or organization that fails to deliver or cause to be delivered any statement or other document required by subsection (1) whether to be delivered by himself, by his official agent, by his party, or by his organization, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 for each day he is in default.

(7) Any agent or candidate, or officer or member of a party or organization who wilfully furnishes to the returning officer or Clerk of the Executive Council an untrue statement is guilty of an offence and liable on summary conviction to a fine of \$1,000.

4. Form 48 in The First Schedule is struck out and the following substituted:

FORM 48

(Section 161(1))

Electoral Division of

STATEMENT OF
CANDIDATE'S ELECTION EXPENSES

Amount

Deposit (if forfeited)

Office Supplies

Postage

Printing and advertising

Rental of Halls

Travelling expenses

Miscellaneous (itemize):

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TOTAL AMOUNT

STATEMENT OF CANDIDATE'S INCOME

	Amount
Donations by individuals, associations, organizations, or companies, the amount of which was under \$50	
Donations, the amount of which were over \$50 (here list names and addresses of each donor, including loans, if applicable)	
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SUB-TOTAL	
Monies worth donations by any individual, association, organization, or company, including such things as campaign personnel paid for by other sources, aircraft, automobiles, buildings, etc., temporarily donated for the campaign	
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SUB-TOTAL	
TOTAL AMOUNT <u> </u>	

The total expenditure and total income should be equal. If not, indicate why, and the destination of the surplus, or source of income for the deficit.

5. The First Schedule is amended by adding the following form after Form 48:

FORM 48a

(Section 161(1))

STATEMENT OF POLITICAL PARTY'S OR ORGANIZATION'S ELECTION EXPENSES

	Amount
Deposit (if forfeited)	
Office Supplies	
Postage	
Printing	
Advertising	
(a) Newspaper	
(b) Radio	
(c) Television	
(d) Other	
SUB-TOTAL	
Rental of Halls	
Travelling expenses	
Miscellaneous (itemize):	
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TOTAL AMOUNT <u> </u>	

STATEMENT OF POLITICAL PARTY'S
OR ORGANIZATION'S INCOME

	Amount
Donations by individuals, associations, organizations, or companies, the amount of which was under \$50
Donations, the amount of which were over \$50 (here list names and addresses of each donor, including loans, if applicable)	
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SUB-TOTAL
Monies worth donations by any individual, association, organization, or company, including such things as campaign personnel paid for by other sources, aircraft, automobiles, buildings, etc., temporarily donated for the campaign	
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SUB-TOTAL
TOTAL AMOUNT	=====

The total expenditure and total income should be equal. If not, indicate why, and the destination of the surplus, or source of income for the deficit.

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(Official Agent or Candidate)