

1980 BILL 55

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 55

**THE ELECTION FINANCES AND CONTRIBUTIONS
DISCLOSURE AMENDMENT ACT, 1980**

DR. REID

First Reading

Second Reading

Committee of the Whole.....

Third Reading

Royal Assent

*Bill 55
Dr. Reid*

BILL 55

1980

THE ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE AMENDMENT ACT, 1980

(Assented to _____, 1980)

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

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

2 Section 1 is amended

(a) in subsection (1)(c) by striking out “four” and substituting “2”, and

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

(1.1) For the purposes of this Act, a document that is required to be filed with the Chief Electoral Officer is filed when it is actually received by the Chief Electoral Officer.

3 Section 3(1)(d) is repealed and the following is substituted:

(d) shall cause a statement setting out the amount of the expenses in total based on the financial statement submitted by each candidate pursuant to section 37 to be published in a newspaper circulated in the electoral division of that candidate within ~~30~~ days after the date in which the financial statement is approved by the Chief Electoral Officer.

4 Section 9 is amended

(a) in subsection (2)(e) by striking out “auditor and”,

(b) in subsection (3) by striking out “deemed to be registered on and after the day following the day of filing” and substi-

Explanatory Notes

1 This Bill will amend chapter 18 of the Statutes of Alberta, 1977.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(c) "campaign period" means the period commencing with the issue of a writ for an election and terminating four months after polling day;

3 Section 3(1) presently reads in part:

3(1) The Chief Electoral Officer, in addition to his other powers and duties under this Act and The Election Act,

(d) shall cause a statement of expenses based on the financial statement submitted by each candidate pursuant to section 37 to be published in a newspaper circulated in the electoral division of that candidate within 30 days after the date on which the financial statement is received by the Chief Electoral Officer.

4 Section 9 presently reads in part:

(2) The Chief Electoral Officer shall maintain a register of candidates in relation to each election held after this section comes into force and, subject to this section, shall register therein any candidate that is qualified to be registered and that files with him an application for registration setting out

tuting “registered on the date the application is approved by the Chief Electoral Officer”,

(c) *by repealing subsection (4), and*

(d) *in subsection (5) by striking out “60” and substituting “30”.*

5 *Section 12(2)(d) is amended by striking out “six” and substituting “3”.*

6 *Section 13(1) is repealed and the following is substituted:*

13(1) Any campaign funds held by a candidate at the end of a campaign period that include contributions received by him for the purpose of his campaign shall be held in trust to be expended for his candidacy at a future election.

(1.1) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to any registered party or registered constituency association.

7 *Section 14 is amended by renumbering it as 14(1) and by adding the following:*

(2) Money or property provided by any person, corporation, trade union or employee organization that does not exceed \$10 in aggregate is not a contribution for the

(e) the name of the auditor and chief financial officer of the candidate;

(3) A candidate who files an application under subsection (2) after the issue of a writ for an election shall be deemed to be registered on and after the day following the day of filing.

(4) An application under subsection (2) may be filed with the Chief Electoral Officer by registered mail in which case, if it is accepted by the Chief Electoral Officer, it shall be deemed to be filed on the second day after it was mailed.

(5) Where there is any change in the information required to be provided in subsection (2), clauses (a) to (g), the registered candidate shall notify the Chief Electoral Officer in writing within 60 days of any such alteration and, subject to section 10, upon receipt of any such notice the Chief Electoral Officer shall vary the register of candidates accordingly.

5 Section 12(2)(d) presently reads:

(2) Where a person referred to in subsection (1) is nominated or, in the case of an independent candidate, declares himself to be a candidate, for the general election next succeeding the commencement of this section or at an intervening by-election, he shall, if the amount held in trust exceeds \$2,500,

(d) file with the Chief Electoral Officer not later than six months after polling day a report on the expenditures or transfers from the trust during the campaign period and a statutory declaration of compliance with clause (b) and (c), and

6 Section 13 presently reads:

13(1) Any funds held by a candidate at the end of a campaign period and which consist of contributions received by him for the purpose of his campaign may be held by the candidate in trust to be expended for his candidacy at a future election.

(2) When a person referred to in subsection (1) is not nominated or does not declare himself to be an independent candidate for the general election next succeeding the commencement of this section, he shall, not later than seven days after the day fixed for nominations, transfer or pay the amount held by him in trust pursuant to subsection (1) to

(a) any registered party, registered constituency association or registered candidate, or

(b) the Crown in right of Alberta,

at the option of that person.

7 Section 14 presently reads:

14 Funds transferred from a foundation under section 5 or a trust under section 2, 12 or 13 to a registered party, registered constituency association or registered candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the donor specifically requests that the amount be considered a contribution.

8 *Section 17 is amended by repealing subsection (1)(b) and substituting the following:*

(b) in any campaign period,

(i) \$20 000 to each registered party less any amount previously contributed to the party in that calendar year under clause (a)(i), and

(ii) \$1000 to any registered candidate, and \$5000 in the aggregate to the registered candidates of each registered party.

9 *Section 20(3) is amended*

(a) *in clause (a) by striking out “less than \$10” and substituting “\$10 or less”, and*

(b) *in clause (b) by striking out “is \$10 or more but” and substituting “exceeds \$10, but is”.*

10 *Section 21 is amended by striking out “under \$25 given” and substituting “given of \$25 or less”.*

8 Section 17(1) presently reads:

17(1) Contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed

(a) in any year,

(i) \$10,000 to each registered party, and

(ii) \$500 to any registered constituency association, and \$2,500 in the aggregate to the constituency associations of each registered party,

and

(b) in any campaign period, in addition to contributions authorized under clause (a),

(i) \$5,000 to each registered party, and

(ii) \$1,000 to any registered candidate, and \$5,000 in the aggregate to the registered candidates of each registered party.

9 Section 20(3) presently reads in part:

(3) If an individual charge by the sale of tickets or otherwise is made for a fund-raising function held by or on behalf of a registered party, registered constituency association or registered candidate, then, for the purposes of this Act,

(a) if the individual charge is less than \$10, it shall not be considered as a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be,

(b) if the individual charge is \$10 or more but less than \$50, 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be, or

(c) if the individual charge is \$50 or more, \$25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.

10 Section 21 presently reads:

21 Where, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party or registered constituency association, money is given in response to a general collection of money solicited from the persons in

11 Section 26(a) is amended by striking out “receipts” and substituting “income”.

12 The heading “**AUDIT**” preceding section 36 is repealed and the heading “**FINANCIAL STATEMENTS**” is substituted.

13 Section 36(1) is repealed and the following is substituted:

36(1) On or before March 31 of each year,

(a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited financial statement setting out for the previous year the assets and liabilities, the income and transfers and the amount of the expenses in total excluding income, transfers and expenses relating to an election during a campaign period, and

(b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement setting out for the previous year the income and transfers and the amount of the expenses in total, including a nil return where applicable.

14 Section 37 is amended

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

37(1) The chief financial officers shall file with the Chief Electoral Officer,

attendance at the meeting, individual amounts under \$25 given shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party or association, as the case may be.

11 Section 26(a) presently reads:

26 The chief financial officer of a registered party, registered constituency association or registered candidate is responsible, with respect to the affairs of the party, constituency association or candidate that appointed him, for ensuring that

(a) proper records are kept of all receipts,

12 Changes the heading to Part 6.

13 Section 36(1) presently reads:

36(1) The chief financial officer of every registered party and registered constituency association shall, on or before the 31st day of March next following the commencement of this section and on or before the 31st day of March in each year thereafter, file with the Chief Electoral Officer financial statements of assets and liabilities and of receipts and payments or transfers for the previous year of the political party or constituency association for which he acts, excluding campaign receipts and payments or transfers relating to an election during a campaign period.

14 Section 37 presently reads:

37(1) The chief financial officer of every registered party and registered candidate shall, within six months after polling day, file with the Chief Electoral Officer a financial statement of receipts and payments or transfers of the political party or candidate for which he acts relating to the election during the campaign period.

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

(3) This section also applies to any registered candidate

(a) who withdraws his candidacy, or

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

with respect to the period during which he is registered.

(a) within 6 months after polling day in the case of the chief financial officer of a registered party, or

(b) within 3 months after polling day in the case of the chief financial officer of a registered candidate,

a financial statement setting out the income and transfers and the amount of the expenses in total, including a nil return where applicable, of the party or candidate for which he acts and which relate to an election during the campaign period.

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

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

15 This Act comes into force on the day upon which it is assented to.