

1989 BILL 232

First Session, 22nd Legislature, 38 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 232

**AN ACT TO AMEND THE LOCAL
AUTHORITIES ACT**

MR. WICKMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 232
Mr. Wickman

BILL 232

1989

AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTION ACT

(Assented to , 1989)

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

- 1 *This Act will amend the Local Authorities Election Act.*
- 2 *Section 118 is amended by striking out "The following expenses" and substituting "Subject to any by-law made pursuant to Part 4.1, the following expenses".*

Explanatory Notes

1 This Bill will amend chapter L-27.5 of the Statutes of Alberta, 1983.

2 Section 118 presently reads:

118 *The following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:*

- (a) the actual personal expenses of the candidate;*
- (b) the cost of acquiring premises, accommodation, goods or services used for proper election campaign purposes;*
- (c) bona fide payments for the fair cost of printing and advertising;*
- (d) reasonable and ordinary payment to any person for the hire of transportation used*
 - (i) by a candidate or speakers in travelling to and from public meetings, or*
 - (ii) by any person in connection with and for the proper purposes of an election.*

3 *The following is added after Part 4:*

**PART 4.1
ELECTION EXPENSES AND CONTRIBUTIONS**

115.1 A council may make by-laws

(a) establishing a limit on the expenses that may be incurred by or on behalf of a candidate for the purposes of a by-election or a general election and defining expenses for the purposes of the by-law;

(b) establishing a limit on contributions that may be made to a candidate for the purposes of a by-election or a general election and defining contributions for the purposes of the by-law;

(c) providing that the amount and donor of every contribution exceeding a prescribed limit shall be declared in writing by every candidate at a by-election or general election within a prescribed time limit after the election;

Political Contributions

115.2(1) In this section,

(a) "candidate" means a person who is a candidate in an election for a municipal mayor or councillors or for school trustees.

(2) In respect of the aggregate amount of contributions made by a taxpayer who is a donor eligible pursuant to by-laws passed under section 115.1 to a candidate, that taxpayer shall be entitled to a credit against any amount of tax which he would otherwise be required to pay under the *Municipal Taxation Act* in respect of the year in which he made the donation and in respect of property owned by him in the municipality for which the recipient of the donation was a candidate for a municipal office, equal to

(a) 75% of the amount contributed if the aggregate amount of contributions by the taxpayer does not exceed \$150,

3 Will authorize a council to pass by-laws controlling election expenses and contributions and requiring publication of them and specifying penalties for failure to comply.

(d) specifying the persons who are eligible to give contributions to a candidate for the purposes of a by-election or general election;

(e) providing for a fine not exceeding \$1000 as a penalty for a breach of the by-laws passed pursuant to this section;

(f) providing that a person who has been elected to the council may not sit or vote on the council unless he has made such declaration of his expenses and contributions as are required by the by-laws;

(g) providing that the election of a person who has been elected to the council but who fails to make such a declaration of his expenses and contributions as required by the by-laws within 90 days of the day of the election shall be void.

(b) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the taxpayer exceeds \$150 but does not exceed \$825, or

(c) the lesser of

(A) \$750, and

(B) \$450 plus 33-1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the taxpayer exceeds \$825,

or the amount of the tax payable, whichever is the lesser.

(3) If as a result of an assessment or reassessment of his tax payable for the taxation year an individual has not claimed the maximum credit to which he is entitled, he may apply for the deduction in the prescribed form within 90 days from the date of mailing of the notice of assessment or reassessment for that taxation year, but not afterwards.

(4) In respect of the aggregate amount of contributions made by a person who is not a taxpayer, that person shall be entitled to receive a payment from the municipality in the same amount as the credit he would receive pursuant to subsection (2) if he were a taxpayer.

